

UNLAWFUL DETAINER EX PARTE APPLICATION FOR STAY OF EXECUTION AND FOR ADDITIONAL TIME TO RELOCATE



HOW TO GUIDE

Self-Help Legal Access Centers

Santa Monica

1725 Main St.,
Room 210
Santa Monica, CA 90401

Inglewood

1 East Regent St.,
Room 107
Inglewood, CA 90301

Torrance

825 Maple Ave.,
Room 160
Torrance, CA 90503

Long Beach

275 Magnolia Ave.,
Room 3101
Long Beach, CA 90802

MARCH 2023

This guide is designed to help you fill out the forms yourself. It is not intended to provide legal advice nor strategy as to how to complete the case. The information provided in this packet only presents options and examples. This is not a substitute for professional legal from an attorney.

Please type or print in black ink.

UNLAWFUL DETAINER EX PARTE APPLICATION - SCHEDULES AND LOCATIONS

<u>Courthouse</u>	<u>Filing Information</u>	<u>Hearing/Courtroom Information</u>
Antelope Valley (Lancaster)	<ul style="list-style-type: none"> File Ex Parte before 9:00 am on the day of the hearing File in Clerk's Office, Room 1000, 1st Floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. A22, Room 4001, 4th Floor at 8:30 a.m. Address: 42011 4th Street West, Lancaster, CA 93534
Chatsworth	<ul style="list-style-type: none"> File Ex Parte between 8:15- 8:30 am on the day of the hearing File in Clerk's Office, Room 1200, 1st Floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. F44, Room 1800, 1st Floor at 8:30 am. Address: 9425 Penfield Ave., Chatsworth 91311
Compton	<ul style="list-style-type: none"> File Ex Parte between 8:30 - 9:00 am the day of the hearing File in Clerk's Office, Room 902, 9th Floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. 7, Room 504, 5th Floor at 8:30 am Address: 200 W. Compton Blvd., Compton, CA 90220
Inglewood	<ul style="list-style-type: none"> File Ex Parte before 11:00 am of the day of the hearing File in Clerk's Office, Room 630, 6th Floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. 1, Room 200, 2nd Floor at 1:30pm Address: One Regent Street, Inglewood, CA 90301
Long Beach	<ul style="list-style-type: none"> File Ex Parte before 8:30 am of the day of the hearing File in Clerk's Office, Room 1401, 1st floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. S13, Room 3500, 3rd Floor at 8:30 am Address: 275 Magnolia Avenue, Long Beach, CA 90802
Norwalk	<ul style="list-style-type: none"> File Ex Parte before 8:30 am on the day of the hearing ("Be in line by 8:30 am") File in Clerk's Office Room 101, 1st floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. W, Room 603, 6th Floor at 8:30 am Address: 12720 Norwalk Boulevard, Norwalk, CA 90650
Pasadena	<ul style="list-style-type: none"> Ex Parte before 11:00 am on the day of the hearing File in the Clerk's Office Room 102, 1st Floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. R on the 2nd Floor at 1:30 pm Address: 300 E. Walnut Avenue, Pasadena, CA 91101
Santa Monica	<ul style="list-style-type: none"> File Ex Parte between 8:15-8:30 am the day of the hearing File in the Clerk's Office, Room 102, 1st Floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. S, Room 218, 2nd Floor at 8:30 am Address: 1725 Main Street, Santa Monica, CA 90401
Stanley Mosk (Downtown) (Central Courthouse)	<ul style="list-style-type: none"> File Ex Parte before 8:30 am on the day of the hearing File in Room 102, 1st Floor 	<ul style="list-style-type: none"> Ex Parte hearings are held in your assigned court room at 1:30 pm Address: 111 N. Hill St./110 N. Grand Avenue Los Angeles, CA 90012.
Van Nuys (East)	<ul style="list-style-type: none"> File Ex Parte before 11:00 am on the day of the hearing File in Clerk's Office, Room 107, 1st Floor. 	<ul style="list-style-type: none"> Ex Parte hearings are held in Dept. H, Room 630 6th Floor at 1:30 PM Address: 6230 Sylmar Avenue, Van Nuys, CA 91401
West Covina	<ul style="list-style-type: none"> File by 8:30 am on the day of the hearing. File in Clerk's Office, Room 107, 1st Floor 	<ul style="list-style-type: none"> Ex Parte are held in Dept. 2, 1st Floor at 11:00am Address: 1427 West. Covina Parkway, West Covina, Ca. 91790

The Ex Parte Application and Motion are filed the morning of your Ex Parte Hearing. **You must file with the clerk by the time listed & be on time to the courtroom for your emergency hearing. Each courthouse in the county has different rules for Ex Parte filings/hearings.**

Ex-Parte Notice in an Unlawful Detainer Case

Important: You must give prior Ex Parte (or Emergency) notice of going to court to the landlord's attorney (or the landlord if the landlord does not have an attorney) **by 10:00 a.m. the day before you go court.** If you get transferred to voicemail, you must leave the below on the message.

EX PARTE NOTICE AND TELEPHONE PHONE NUMBER _____

Script/What to Say:

"Hello, my name is: _____ (Your Name)

I am calling to give "Ex Parte" notice that on (date) _____ at (time) _____ am / pm

I am going into Department _____ of the Courthouse located at (street address, city, state, zip code)

_____ to file an (Pick One)

☐ EX PARTE APPLICATION FOR A STAY PENDING A HEARING ON A MOTION TO SET ASIDE THE JUDGMENT AND FOR AN ORDER SHORTENING TIME FOR SERVICE OF THE MOTION TO SET ASIDE IN THE CASE OF

☒ EX PARTE APPLICATION FOR ORDER STAYING EXECUTION OF THE JUDGMENT AND GRANTING ADDITIONAL TIME TO RELOCATE IN THE CASE OF

(name of plaintiff) _____ versus

(name of defendant) _____,

Case Number _____.

I can be reached at phone number _____."

Please get the following important information:

1. Date and time you called to give notice: _____
2. Name and title of the person you spoke with: _____
3. Ask if the Plaintiff or Plaintiff's attorney will appear in court on this matter? _____
4. Anything else the person told you or did: _____

IMPORTANT Filing Instructions: You must have all the documents filed by the time stated above in the "Filing Information" column. You must be on time to your hearing and provide the landlord (or the attorney for the landlord) a copy of the documents. **If you are late for filing or the hearing, the court MAY NOT hear your motion.**

EX PARTE APPLICATION FOR ADDITIONAL TIME TO RELOCATE

This motion asks the court to give a Tenant additional time in the unit after either a Judgment and/or Sheriff Lock Out has been entered/served. This request for additional time is based on a hardship on the Tenant or the tenant's family that needs to be considered in granting/giving extra time. Clearly, it is very difficult for anyone to find a new place & move out. This motion is usually based upon an extra ordinary hardship.

You are not contesting/reversing the Judgment by filing this motion. In fact, you are admitting the unlawful detainer judgment, but asking for mercy for a severe hardship to you or your family. This is not reopening the case, a new trial or an appeal. You are simply asking for more time because of an extreme hardship. If you have already been locked out, then it is usually too late to file this motion as possession is no longer an issue.

WHAT YOU NEED TO COMPLETE THE FORMS

- ☐ THE SUMMONS AND COMPLAINT WITH THE ATTACHED NOTICES/EXHIBITS
- ☐ THE JUDGMENT AND/OR FIVE (5) DAY SHERIFF LOCK OUT/VACATE NOTICE, IF ANY
- ☐ CIVIL CASE SUMMARY FROM THE COURT FOR YOUR CASE
- ☐ YOU MUST BE LIVING/STAYING IN THE UNIT (POSSESSION IS STILL AN ISSUE)

WHAT YOU NEED TO DO TO HAVE A HEARING AND GET ADDITIONAL TIME

- ☐ Pick a good date that you can make/attend your hearing. The above list shows the courthouses that hear unlawful detainer/eviction cases. Each courthouse has different times for filing this paper work and when the ex parte hearings are heard. Find your courthouse where your case was filed/started and see when the hearing/filing times are. **You must go to the court where your case was filed/started.**
- ☐ The Ex Parte (Emergency) Notice to the other side for the day that you want to go to court. The above script explains what you may need to say. This Notice is a telephone call to the landlord's attorney or directly to the landlord, if not represented by an attorney. Traditionally, this call should be made by 10 AM the COURT DAY before your hearing date. The phone number of the other side is on the front page of the Summons/Complaint of the unlawful detainer lawsuit.
- ☐ Complete the Motion for Additional Time to Relocate Forms Packet. Use these instructions as a guide. In the forms, a declaration must be made that you gave the proper notice (see script) **AND ALSO EXPLAIN WHAT THE HARDSHIP THAT YOU OR YOUR FAMILY IS FACING THAT SHOULD GIVE YOU ADDITIONAL TIME TO MOVE OUT.** Some examples are serious illness, a disability of yourself or household members, accidents, hospitalization etc.
- ☐ File your paper work by the filing cut off time for ex parte hearings in your courthouse.
- ☐ Consider bringing any proof or documents that show your claim of hardship
- ☐ Be at the courtroom on time and give the other side a copy of the ex parte paper work
- ☐ Be in the courtroom when you are called by the Judge and be ready to explain your hardship.
- ☐ You must convince the court that this time should be given to you. The other side will most likely object or argue that you should not be given any additional time.
- ☐ **IF YOUR MOTION IS GRANTED, DO NOT TO LEAVE THE COURTROOM WITHOUT AN ORDER CANCELING THE LOCK OUT.** In many cases, the Sheriff is already on their way to perform the lock out. The Court may not be able to notify the Sheriff in time to cancel the lock out. If you do not have proof that the lock was cancelled, the sheriff may lock you out anyway. Therefore, it is important to have proof from the court that the lock out is cancelled/stayed for now.

PRINT YOUR NAME

PRINT YOUR STREET ADDRESS

PRINT THE CITY, STATE & ZIP CODE

PRINT YOUR TELEPHONE NUMBER

Defendant(s) in Pro Per

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

PRINT THE PLAINTIFF'S NAME

vs. Plaintiff(s),

PRINT THE DEFENDANT'S NAME

Defendant(s).

) Case No.: **PRINT THE CASE NUMBER**

)
) **EX PARTE APPLICATION FOR ORDER**
) **STAYING EXECUTION OF THE**
) **JUDGMENT AND GRANTING**
) **ADDITIONAL TIME TO RELOCATE;**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES AND DECLARATION IN**
) **SUPPORT THEREOF**

) **ASSIGNED JUDGE:**

) **DEPARTMENT:** **PRINT THE DEPT NUMBER**

) **HEARING DATE:** **THE DATE OF THE HEARING**

) **TIME:** **TIME OF THE HEARING**

TO PLAINTIFF AND PLAINTIFF'S ATTORNEY, IF ANY:

Defendant(s), **PRINT YOUR NAME**, requests an Order Staying Execution of the Judgment and Granting Additional Time to Relocate. The application is made on the ground that unless a stay is granted, Defendant(s) will suffer irreparable harm.

This application is based upon the declaration and memorandum of points and authorities attached hereto, and any oral argument.

Date: **PRINT TODAY'S DATE**

Signed by: **SIGN YOUR NAME**
Defendant(s) without Attorney
PRINT YOUR NAME
Print Name

MEMORANDUM OF POINTS AND AUTHORITIES

A court of general jurisdiction has a statutory as well as an inherent duty and power to control its own processes and orders so as to make them conform to justice, including the granting a stay of execution. Code of Civil Procedure Section 128 states: “(a) Every court shall have power:....(8) To amend and control its process and order so as to make them conform to law and justice. CAL.CIV.PROC.CODE § 128(a) (Deering 2009). This was confirmed in *Revolution Eyewear, Inc. v. Aspex Eyewear, Inc.* (2009) 2009 U.S. Dist. LEXIS 64749. The court there stated that “The district court has the inherent power to control and manage its docket, which includes the authority to order a stay pending the outcome of reexamination proceedings.” *Id.* at 9.

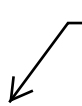
Here, the court has authority to grant a short stay to prevent an injustice in that the execution of the judgment by the sheriff will leave Defendant(s) homeless. Therefore, the stay should be granted.


Date: **PRINT TODAY'S DATE**

Signed by: **YOUR SIGNATURE**
Defendant(s) without Attorney
PRINT YOUR NAME
Print Name

**DECLARATION OF DEFENDANT(S) IN SUPPORT OF EX PARTE APPLICATION FOR STAY
OF EXECUTION OF THE JUDGMENT**

I, **PRINT YOUR NAME** , state and declare as follows:

1. I am the Defendant(s) in this action.
2. The statements in this declaration are true and if called as a witness in Court, I could and would testify truthfully to them.
3. A Judgment against me was ordered by the Court on: _____ 

**PRINT THE DATE THE
JUDGMENT WAS ENTERED
AGAINST YOU**
4. The Sheriff is scheduled to evict me on: _____ 

**PRINT THE DATE OF THE LOCK OUT
NOTICE, IF ANY.**
5. I am requesting that the court grant this application for a stay because I will suffer irreparable harm without it. My hardship is: _____

	EXPLAIN YOUR HARDSHIP HERE TO THE COURT. FOR EXAMPLE: I HAVE A DISABILITY, MY CHILD IS DISABLED, I AM VERY SICK, MY FAMILY MEMBER HAS A LIFE THREATENING ILLNESS, I WAS HOSPITALIZED, I WAS IN AN ACCIDENT, ETC.	
_____		_____
_____		_____
_____		_____
_____		_____

I declare under penalty of perjury under the laws of California that the foregoing is true and correct to the best of my knowledge: Executed at **CITY WHERE SIGNED** , California on

 PRINT TODAY'S DATE

SIGN YOUR NAME

Defendant(s), Declarant
PRINT YOUR NAME

Print Name

PRINT YOUR NAME

PRINT YOUR STREET ADDRESS

PRINT THE CITY, STATE, AND ZIP CODE

PRINT YOUR TELEPHONE NUMBER

Defendant(s) in Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

PRINT THE PLAINTIFF'S NAME

) **PRINT THE CASE NUMBER**
) Case No.: _____
)

vs. Plaintiff(s),

) **DECLARATION OF NOTICE FOR**
) **EX PARTE APPLICATION FOR ORDER**
) **STAYING EXECUTION OF THE**
) **JUDGMENT AND GRANTING**
) **ADDITIONAL TIME TO RELOCATE**
)

PRINT THE DEFENDANT'S NAME

Defendant(s).

) **ASSIGNED JUDGE:** _____
) **DEPARTMENT:** **PRINT THE DEPT**
) **HEARING DATE:** **PRINT THE HEARING DATE**
) **TIME:** **PRINT THE TIME**
)
)
)

PRINT THE NAME OF THE PERSON

I, **GIVING NOTICE**, declare that I provided the following notice of the Court hearing:

“My name is: **PRINT THE NAME OF THE PERSON GIVING NOTICE**

I am calling to give notice that I am going to the **PRINT THE COURTHOUSE NAME** Court on

PRINT YOUR HEARING DATE at **TIME** a.m./p.m. in Dept. #: **DEPT #** in the Los Angeles Superior

Court, located at **PRINT THE ADDRESS OF THE COURT** for an Ex Parte Application for an Order Staying

Execution of the Judgment and Granting Additional Time to Relocate in the Case of

PRINT THE PLAINTIFF'S NAME vs. **PRINT THE DEFENDANT'S NAME**

Case #: **PRINT THE CASE NUMBER**

I can be reached at this phone #: **PRINT YOUR TELEPHONE #**.”

A. ☐ ~~I gave the notice~~ mentioned above on this date and time: ___/___/___, _____ a.m./p.m.

to: the Plaintiff's attorney,

~~← a person at the Plaintiff's attorney's office, or~~

 ← the Plaintiff (the landlord without an attorney)

That person's name and phone number are: PRINT THE NAME AND TELEPHONE NUMBER OF THE
PERSON THAT YOU SPOKE WITH

When I gave the notice, he/she said PRINT WHAT THE PERSON SAID TO YOU.

B. ☐ ~~I gave the notice mentioned above by leaving a n~~

time: / / a.m./p.m. because no one answered the phone. The person I

called is: Plaintiff's attorney or the Plaintiff (the landlord without an attorney) named:

_____ at phone #: _____

MARK HERE IF YOU LEFT A MESSAGE OR VOICEMAIL, PUT WHAT TIME YOU CALLED AND PRINT THE NAME AND TELEPHONE NUMBER.

C. ☐ I gave the notice by 10:00 a.m. at least one court day before the hearing date for the

stay as required by CAL.R.CT.3 1203

MARK HERE IF YOU GAVE THE NOTICE BEFORE 10 AM THE COURT DAY BEFORE

D. ☒ This is an eviction case and I gave notice after 10:00 a.m. on the court day before the hearing date

for the stay as allowed by CAL.R.CT. 3.1203(b) if the notice is reasonable. The notice given here was reasonable because:

MARK HERE IF YOU GAVE NOTICE AFTER 10 AM AND EXPLAIN WHY YOU COULD NOT

☐ ~~I have seen the Sheriff's Notice to Vacate.~~

MARK HERE IF YOU GAVE NOTICE AFTER 10 AM AND EXPLAIN WHY YOU COULD NOT GIVE NOTICE EARLIER AS REQUIRED UNDER THE RULES OF COURT.

I could not give the notice any earlier because: _____

☐ ← Other: _____

I could not give the notice any earlier because: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true

and correct to the best of my knowledge. Executed on ____/____/____ **PRINT THE DATE HERE**

PRINT THE CITY WHERE
YOU ARE SIGNING _____, California.

SIGN HERE

Defendant(s), Declarant

PRINT YOUR NAME HERE

Print Name _____

PRINT YOUR NAME HERE

PRINT YOUR STREET ADDRESS

PRINT THE CITY, STATE AND ZIP CODE

PRINT YOUR TELEPHONE NUMBER

Defendant(s) in Pro Per

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

PRINT THE PLAINTIFF'S NAME

vs. Plaintiff(s),

PRINT THE DEFENDANT'S NAME

Defendant(s).

)
) Case No.: **PRINT THE CASE NUMBER**
)
) **(PROPOSED) ORDER ON EX PARTE**
) **APPLICATION FOR ORDER STAYING**
) **EXECUTION OF THE JUDGMENT AND**
) **GRANTING ADDITIONAL TIME TO**
) **RELOCATE**
)
)
) **ASSIGNED JUDGE: _____**
) **DEPARTMENT: PRINT WHAT DEPT NUMBER**
) **HEARING DATE: PRINT THE HEARING DATE**
) **TIME: PRINT THE TIME OF THE HEARING**
)
)
)

After consideration of Defendant(s)'s Ex Parte Application, all other pleadings and papers, any oral argument in this case, and the Court's review of the record, the Court hereby grants the following:

☐ Defendant(s) request additional time to relocate.

Additional time to relocate is granted for _____/_____/_____.

☐ Other: _____

It is so Ordered.

Date: _____

JUDGE OF THE SUPERIOR COURT

Granting
following date:

**THIS IS FOR THE COURT
TO FILL OUT**