

1 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN DIEGO

FILED
Clerk of the Superior Court

MAR 07 2022

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4 **IN RE: LOCAL RULES 5.3.1 FOR**
5 **EMERGENCY ORDERS (EX PARTE**
6 **ORDERS) IN FAMILY CASES**

GENERAL ORDER OF THE PHE Arco-Barraza, Deputy
PRESIDING DEPARTMENT

ORDER NO. 030722-54

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8 THE COURT FINDS AS FOLLOWS:

9 California Rule of Court, rule 5.165 provides that courts “may adopt a local rule
10 requiring that the party provide additional notice to the court that he or she will be requesting
11 emergency orders the next court day. The local rule must include a method by which the party
12 may give notice to the court by telephone.”

13 Currently, San Diego Local Rule, rule 5.3.1 requires a party in a family law action
14 requesting emergency orders the next day to provide additional notice to the court either by
15 calling the court or by appearing in person at the court’s business office no later than 10:00 a.m.
16 the day before the requested hearing date. However, the court no longer requires a party in a
17 family law action requesting emergency orders the next day to provide the court additional
18 notice.

19 Accordingly, it is hereby ORDERED that Superior Court of San Diego County, Local
20 Rules, rule 5.3.1 be amended as follows:

21 **Rule 5.3.1 Temporary Emergency Orders (Ex Parte Orders)**

22 ~~A. Parties must obtain a hearing date for a temporary emergency order either by calling the court~~
23 ~~or by appearing in person at the court’s business office no later than 10:00 a.m. the day before the~~
24 ~~requested hearing date.~~

25 A.B. Notice of a request for temporary emergency orders (ex parte orders) is governed by the
26 California Rules of Court.

27 B.C. Moving papers must be submitted to the court no later than 12:00 p.m. and served on all
28 parties by 2:00 p.m. the court day before the hearing. In addition to the documents required by the
29 California Rules of Court, the moving papers must include a completed form Ex Parte Application and

1 Order – Family Law (SDSC Form #D-046) unless specified otherwise in these rules. Consideration of
2 late filed and/or late served papers is at the court’s discretion.

3 Former Subdivisions B and C, now Subdivisions A and B of San Diego County, Local Rules,
4 rule 5.3.1 remain in effect as written. To the extent the language of any local rule is inconsistent with this
5 Order, the language of the local rule is suspended.

6 This Order is effective immediately and shall expire on December 31, 2022, unless otherwise
7 ordered by this court.

8 **IT IS SO ORDERED.**

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10 Dated: March 7, 2022



**HON. MICHAEL T. SMYTH
PRESIDING JUDGE**

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