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## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

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### INSTRUCTIONS FOR REQUESTING AN EXCEPTION FROM THE COURT TO PROCEED IN AN UNLAWFUL DETAINER MATTER UNDER EMERGENCY RULE OF COURT 1

1. Fill out page 2 of this form making your request to the Court. Fill in the top of page 3. Fill out the forms you want the Court to allow you to file (i.e. Civil Case Cover Sheet, Summons and Complaint) and attach the original and 2 copies of each to your application.
2. Provide service upon the defendant(s), including form SJUD EMER1-Opposition, in accordance with California Rule of Court 3.1204. You must complete the section on Page 2 to indicate how service was provided.
3. You or your attorney must file or place your Ex Parte Application along with the original forms you are asking the court to allow you to file, 2 copies of each and a self-addressed stamped envelope, in the drop box before 4:00 PM. This includes the Order for Action in an Unlawful Detainer Due to Public Health and Safety (See Page 2) This must be done **BEFORE 4 P.M.**
4. If the application is granted, conformed copies of the order and forms will be mailed to the applicant or counsel once processed and the case will be initiated and/or summons issued.
5. If the application is denied, conformed copies of the order will be mailed to the applicant or counsel. Copy to be provided to defendant(s) by applicant.
6. If the court schedules the matter for a hearing, both parties will be mailed a Notice of Hearing.
7. If a hearing is scheduled, the matter may be heard telephonically and instructions on how to appear will be included in the Notice of Hearing.

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|---|--------------|
| ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address):<br>NAME:<br>ADDRESS:<br>CITY, STATE, ZIP:<br><br>TELEPHONE NO:<br>FAX NO. (Optional):<br>EMAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): |              |
| <b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN JOAQUIN</b><br><b>BRANCH:</b><br><b>ADDRESS:</b>  |              |
| PLAINTIFF/PETITIONER:<br>vs.<br>DEFENDANT/RESPONDENT:   |              |
| <b>EX PARTE APPLICATION AND ORDER FOR ACTION IN AN UNLAWFUL DETAINER DUE TO PUBLIC HEALTH AND SAFETY</b>  | CASE NUMBER: |

- I/We request(s) an order allowing:
  - The filing of an unlawful detainer complaint
  - The issuance of a summons
  - The entry of a default and default judgment in the above case
  - The setting of a trial sooner than 60 days

2. This request is made on the grounds of the following public health and safety threat (specify):

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3. Plaintiff (Owner, Landlord) gave notice of this ex parte application in accordance with California Rule of Court 3.1203 and 3.1204 as described here to whom, date and time: \_\_\_\_\_

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Continued on attachment

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

Date:

\_\_\_\_\_  
Printed name of Plaintiff or Attorney

\_\_\_\_\_  
Signature of Plaintiff or Attorney

|   |              |
|---|--------------|
| ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address):<br>NAME:<br>ADDRESS:<br>CITY, STATE, ZIP:<br><br>TELEPHONE NO:<br>FAX NO. (Optional):<br>EMAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): |              |
| <b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN JOAQUIN</b><br><b>BRANCH:</b><br><b>ADDRESS:</b>  |              |
| PLAINTIFF/PETITIONER:<br>vs.<br>DEFENDANT/RESPONDENT:   |              |
| <b>ORDER FOR ACTION IN AN<br/>         UNLAWFUL DETAINER DUE TO PUBLIC HEALTH AND SAFETY</b>  | CASE NUMBER: |

IT IS SO ORDERED that:

- ( ) The court finds the action below is necessary to protect public health and safety AND
  - ( ) An unlawful detainer complaint shall be filed.
  - ( ) A summons shall issue.
  - ( ) A Default and Default Judgment shall be entered.
  - ( ) A trial shall be set sooner than 60 days.

( ) Request is denied.

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**A COPY OF THIS ORDER MUST BE SERVED BY THE PLAINTIFF ON THE OTHER PARTY. IF GRANTED, A COPY OF THE PAPERWORK INDICATED ABOVE MUST BE INCLUDED.**

Date: \_\_\_\_\_

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Commissioner or Judge of the  
Superior Court