



Resource Guide:

How to Ask the Court for More Time to File a Response/Answer in a Civil Case

Definitions:

- **Defendant:** person responding to a summons and complaint
- **Plaintiff:** person who filed the complaint and started the lawsuit
- **Stipulation:** A voluntary agreement between opposing parties concerning some relevant point.
- **Default:** When a defendant fails to respond in time to a Summons and Complaint, the Plaintiff may request a default from the Court Clerk and prevent the defendant from providing an answer.

Forms / Templates for Filing:

- [Template Stipulation to extend time to answer.docx](#)
- [Ex Parte Application for Extension of Time to Serve Pleading and Orders \(CM-020\)](#)
- [Additional Page \[to be attached to any form\] \(MC-020\)](#)
- [Request to Waive Court Fees \(FW-001\)](#)
- [Proof of Service by First-Class Mail—Civil \(Proof of Service\)/Information Sheet for Proof of Service by First-Class Mail—Civil \(POS-030\)](#)



What is it?

In a civil lawsuit you typically have 30 days from when you were served the Summons and Complaint to provide a response (see: [Decide what to do if you're sued](#), for more information). The 30-day period is computed by excluding the first day and including the last (unless it is a weekend or holiday and then it is also excluded) [[Code of Civil procedure \(CCP\) § 12](#)].

If you don't respond in time, there is a risk that the other party can ask for a [default and default judgement](#).

This guide will walk through the different options you have to ask for more time to provide a response and avoid the risk of entry of default.

What Constitutes a Response?

Defendant's filing of any of the following will prevent the plaintiff from being allowed to obtain an [entry of default](#), even if defendant files late:

- Answer.
- Demurrer (even if to only one of several causes of action). [[CCP § 585](#); [California Rules of Court \(CRC\) 3.1320\(b\)](#)]
- Motion to strike. [[CCP § 435\(b\)\(1\)](#)]
- When the action has been filed in the improper court, the defendant may make a Motion to transfer action to *proper* court. [[CCP § 396b](#)]
- Motion to quash service of summons. [[CCP § 418.10\(a\)\(1\)](#)]
- Motion to stay or dismiss action for inconvenient forum. [[CCP § 418.10\(a\)\(2\)](#)]
- Motion to dismiss for failure to serve summons or for delay in bringing action to trial. [[CCP § 418.10\(a\)\(3\)](#)]
- Petition to compel arbitration where the complaint is based on a contract providing for arbitration. [[CCP § 1281.7](#)]

- Comparable motions or pleadings on removal to federal court. [*Laguna Village, Inc. v. Laborers Int'l Union* (1983) 35 C3d 174, 182, 197 CR 99, 104]
- Potentially, an anti-SLAPP motion (if filed within the time allowed to respond to the complaint) should prevent entry of default, though there is no known case in point. [[CCP § 425.16](#)]

Asking For More Time

Make any request for an extension **PRIOR** to your response deadline*

** If you've missed the deadline to respond, you may still file an answer or other responsive pleading as long as a default hasn't been entered. Refer to the list above for filings that can prevent a default entry by the plaintiff.*

Ways to Ask for More Time

Stipulation with plaintiff's counsel	Limited to 15 days without a court order California Government Code (Govt C) § 68616(b)
Court Order	Limited to 30 days without adverse party's consent— CCP § 1054 *

** If the parties stipulate to extend the deadline, that time does not count toward the 30-day limit on extensions that the court or judge can grant. [[CCP § 1054\(b\)](#)].*

Option 1: Ask the other party to extend the time to file an answer:

The parties may stipulate without leave of court to one 15-day extension of the 30-day time period [[CRC 3.110\(d\)](#); [Govt C § 68616\(b\)](#)]* Parties may not stipulate to more than one 15-day extension of time to plead without court order and any additional extension of time to plead must be granted by the Court.

**(not applicable to unlawful detainer, family law proceedings, or proceedings with different service requirements prescribed by law).*

Without Leave of Court means that there is no need to ask the court for permission. [[Govt C § 68616](#)]

For [complex cases](#) a stipulation for an extension of time for the filing and service of documents always requires approval of the assigned judge [[CRC 3.503](#)].



If you talk to the plaintiff / plaintiff's attorney*, and the plaintiff agrees to an extension, put the agreement in writing and send it to the other party and their lawyer (this can be an email). You can use the following template: [Template Letter Confirming Time Extension.docx](#)

***Note: If the plaintiff has an attorney, you MUST speak to the attorney**

- When using this template, please replace brackets [] with information relevant to your case.

See below for an example letter to send to the other side agreeing to more time to file a response.

Sample Letter Confirming Time Extension

September 23, 20xx
John Tweedle, Esq.
Tweedle, Dee, & Dum
405 14th Street
Oakland, California 97001
Re: *Solomon vs. Sucherman*, case # 890 765
Dear Mr. Tweedle:
This letter confirms our phone conversation today,
in which you agreed that I may have until October
19, 20xx, to answer or otherwise plead in this case.
If you believe this is not our agreement, please
contact me immediately.
Sincerely,
Monica Sucherman
Monica Sucherman

Image source: Nolo Press, 2010 Win your lawsuit: sue in California Superior Court without a lawyer, Chapter 8.



Linked is a template stipulation that should be signed by both parties and filed with the court clerk:

- [Template Stipulation to extend time to answer.docx](#)
 - When using this template, please replace brackets [] with information relevant to your case
 - There is no filing fee for a stipulation that does not require an order [[Gov.C. § 70617\(b\)\(5\)](#)]

View: [Alameda County Superior Court Current Fee Schedules](#)

Template Stipulation to extend time to answer

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3	This stipulation is made in accordance with California Rules of
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By:

Your signature

 [YOUR NAME]
 In Pro Per
 DEFENDANT
 Date:

Signature

 [NAME OF PLAINTIFF]
 In Pro Per
 or
 [PLAINTIFF ATTORNEY]
 Attorney For
 PLAINTIFF
 Date:

STIPULATION TO EXTEND TIME TO ANSWER



Stipulations typically between parties are only binding if they are in writing AND filed with the clerk; or entered in the court minutes [[CCP § 283](#)]. Therefore, it's important that if you get a written or oral agreement from the other party, you should ensure that it is filed with the court clerk.

You may file the stipulation at either of the following locations for civil cases ([see Super. Ct. Alameda County, Local Rules \(Local Rule\) 1.9\(d\)–\(i\)](#)):

The René C. Davidson Courthouse
 Room 109

1225 Fallon Street
Oakland, CA 94612

The Hayward Hall of Justice

Office of the Civil Clerk 2
4405 Amador Street
Hayward, CA 94544

View the Superior Court of Alameda County [Court Locations & Contact Information page](#) for more information about specific courthouse locations and business hours.

Copies:

- Original (after attorneys have signed, file with court clerk).
- Provide a copy to each party
 - Formal service is not required, but it's best practice to ensure that each party has a final copy of the stipulation for their records.

A 15-day stipulation to extend is very likely to be granted by attorneys.

Judges generally expect counsel to grant a request for extension within the 15-day limitation imposed by [Gov.C. § 68616](#), as courts will typically approve an ex parte application if one is made.

Option 2: Receive a court order to extend time to file a response:

The court can give more time to respond to a complaint, either on its own or on a party's application.

To get more time to serve a responsive pleading, you must file the request before the current response deadline passes. The request must include a

declaration explaining why service hasn't been completed, what efforts have been made to serve, and the date you plan to complete service. [[CRC 3.110\(e\)](#)].

Judicial Council Form CM-020 (Ex Parte Application for Extension of Time to Serve Pleading) is an optional form that can be used.

Review your [Department Information](#) on [eCourt](#) for guidance on how to submit ex parte applications.

- When reviewing department information review both the tabs titled “Department Information” and “Department Documents” to ensure you are reviewing all material provided by the judge.
 - Not every department will provide additional documents.

View Department Information

DEPARTMENT INFORMATION	LIST OF CASES	DEPARTMENT DOCUMENTS
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L.

Judge	Julia Spain
Department	Department 520 Hayward Hall of Justice
Address	24405 Amador Street Hayward, CA 94544
Phone Number	(510) 690-2729
Fax	
Email	Dept520@alameda.courts.ca.gov

CMC Schedule	Wednesdays at 9:30 a.m. Timely filed and complete CMC Statements with courtesy copy to Dept. 520 are required. The court will usually publish a Tentative Case Management Order. Check DOMAIN to see if Order waives CMC appearance.
ExParte Schedule	On written applications only on Mondays - Thursdays. Email Dept. 520 to request date. Moving party must give 48 hours prior notice to opponent advising written opposition must be filed and courtesy copy delivered to Dept. 520 within 24 hours.
General Procedures	Appearances by attorneys not counsel of record are not permitted except for good cause shown. (Non-emergency scheduling conflicts are not good cause). Any appearing counsel must have full authority to make decisions on a case. All references to counsel apply equally to self-represented parties and all must comply with all the rules cited in this Notice. Parties are reminded that the dept. clerk is prohibited from giving legal advice. Self-represented parties are encouraged to use the Self-Help Center at the Hayward Hall of Justice, 24405 Amador St., Dept. 501, Hayward. Email is the best method of communicating with court staff. Email address for counsel or self-represented litigants must be listed in the caption of all filed papers, as required by CRC 2.111(1). All email communications must be copied to all parties for whom an email address is available. Pleadings/documents shall not be transmitted via email.
Interim Procedures	Counsel(s) are expected to be familiar with the Statement of Professionalism and Civility, Alameda County Bar Association (www.acbanet.org).
L&M Reservations, Other Information	Please provide: 1) Name of case; 2) Case number; 3) Title of motion; 4) Moving party; 5) Name of Responding Party's Counsel and email address.
L&M Schedule	Wednesdays and Thursdays at 2:00 p.m.; Litigants must contact the dept. clerk to reserve a date before filing any law and motion matter. See further procedures below.
	Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or

View Department Information

DEPARTMENT INFORMATION	LIST OF CASES	DEPARTMENT DOCUMENTS
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EX PARTE INSTRUCTIONS
Sample TRIAL SETTING ORDER

Notice

A party making an ex parte application for an order must notify all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances [[CRC 3.1203\(a\)](#)]*. The Notice provided to the other party must:

(1) specifically state the nature of the relief to be requested and the date, time, and place for the presentation of the application;

(2) attempt to determine whether the opposing party will appear to oppose the application [[CRC 3.1204\(a\)](#)].

**There are different notice requirements in unlawful detainer cases.*

This means that by 10 a.m. the day before you submit your application for an extension of time to plead, you should notify the other party that you will be making this request of the court.

If possible, attempt to provide notice in multiple ways by calling the other party and sending an email. **Best practice is making a phone call to the attorney of record for the plaintiff.** If they do not answer, leave a message providing all the information required by CRC 3.1204(a) and follow up via email with the same information provided in the voicemail.

You can leave the following voicemail:

<p>“My name is _____ I am calling for _____ in regards to the lawsuit,</p> <p style="text-align: center; margin-left: 100px;">your name plaintiff’s attorney or, if unrepresented, the plaintiff</p> <p>_____ versus _____, case number _____.</p> <p style="text-align: center; margin-left: 50px;">plaintiff last name defendant last name</p>
<p>I am calling to give notice that on _____ I will be filing an application for a</p> <p style="text-align: center; margin-left: 150px;">date</p> <p>_____ - day extension to provide my responsive pleading at the civil clerk’s office located</p> <p style="text-align: center; margin-left: 50px;">number</p>

at the René C. Davidson Courthouse, located at 1225 Fallon Street, Oakland, California 94612*.

**if filing elsewhere then provide the name and address of that courthouse instead*

Please leave a message if you intend to oppose. I can be reached at _____.”

Your phone number _____

You can leave the following email if you leave a voicemail and they do not answer:

Dear ____ [*plaintiff's attorney or, if unrepresented, the plaintiff*] _____,

My name is ____ [*your name*]____, and I am trying to contact ____ [*plaintiff's attorney or, if unrepresented, the plaintiff*] _____ in regards to the lawsuit, ____ [*plaintiff last name*]____ versus ____ [*defendant last name*]____, case number _____.

I am writing this email to provide notice that on ____ [*date*]_____ I will be filing an application, attached, for a ____ [*number*]____-day extension to provide my responsive pleading at the civil clerk's office located at the René C. Davidson Courthouse, located at 1225 Fallon Street Oakland, CA 94612.

I have already called ____ [*phone number called*]____ and left a voicemail with this same information on ____ [*date*]_____.

Please call me back at ____ [*your phone number*]____, if you intend to oppose.

Respectfully,

____ [*your name*]_____

Keep track of all attempts you have made to provide the other party notice of the application as you will be required to make a declaration to the court regarding your attempts to give notice.

10. Notice of this application under rules 3.1200–3.1207 ☐ has been provided as required (describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected) or ☐ is not required (state reasons):

Image: section 10 of Judicial Council Form CM-020 requiring information about what notice was provided.

Form CM-020 – section 10 - provides a declaration section that satisfies the requirement of [CRC 3.1204\(b\)](#) which requires that an application requesting an extension of time to serve pleadings must be accompanied by an affidavit or by declaration establishing one of the following:

- The applicant notified the opposing party of the time and place of the application within the required timeframe of [CRC 3.1203](#) (i.e. 10 am the court day before the ex parte appearance); or
- The applicant made a good faith effort to notify the opposing party but was unable to do so, and detailed the steps taken; or
- The applicant has provided reasons why notifying the opposing party should not be required in this instance.

Shorter notice in civil cases: If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, the declaration regarding notice must explain the exceptional circumstances that justify the shorter notice [[CRC 3.1204](#)]

- **Note:** Even if someone doesn't follow CRC 3.1203, the clerk must still file the ex parte application and quickly give it to the right judicial officer to review.

How to fill out form CM-020

When you prepare your own forms, be sure to provide facts and information that correspond with your situation.

Court forms can be found from the [Judicial Council of California](#).

- [Ex Parte Application for Extension of Time to Serve Pleading and Orders \(CM-020\)](#)
- [Additional Page \[to be attached to any form\] \(MC-020\)](#)

Potential reasons for why you need more time to file a responsive pleading:

- You cannot afford to hire an attorney and are representing yourself – you are requesting additional time to complete the necessary work.
- Discussions with insurance company about if it will defend you.
- You have been in discussions with attorneys but are still looking for representation for your case.
- There are complex factual and legal issues which require more time to review and respond.

Amount of time to ask for:

Do not seek an extension beyond 30 days on an ex parte basis [[CCP § 1054\(a\)](#)]. An order providing for an extension beyond 30 days without the consent of the other party will be considered void [Kennedy v. Mulligan (1902) 136 Cal. 556, 557, 69 P. 29].

Sample:

CM-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John Doe 125 Twelfth Street Oakland, CA 94607 TELEPHONE NO.: (510) 208-4832 EMAIL ADDRESS (Optional): lawlib@scgov.org ATTORNEY FOR (Name): In Pro Per		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; margin: 5px;">Enter your name, mailing address and contact information.</div> <div style="border: 1px solid black; padding: 5px; margin: 5px;">"In Pro Per" means you are representing yourself</div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: René C. Davidson Courthouse		<div style="border: 1px solid black; padding: 5px; margin: 5px;">Court Name, Address, and Branch Name</div> <div style="border: 1px solid black; padding: 5px; margin: 5px;">Plaintiff's and Defendant's names as they appear on the complaint (you are the defendant).</div>	
PLAINTIFF/PETITIONER: Jane Pie, Inc. DEFENDANT/RESPONDENT: John Doe		CASE NUMBER: 12-3-456789-1	
EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND <input checked="" type="checkbox"/> ORDER EXTENDING TIME TO SERVE AND <input type="checkbox"/> ORDER CONTINUING CASE MANAGEMENT CONFERENCE		HEARING DATE: DEPT.: 15 TIME:	
Note: This ex parte application will be considered without a personal appearance. (See Cal. Rules of Court, rule 3.1207(2).)			

1. Applicant (name):
 a. ☐ plaintiff
 b. ☐ cross-complainant
 c. ☐ petitioner
 d. ☒ defendant
 e. ☐ cross-defendant
 f. ☐ respondent
 g. ☐ other (describe):

2. The complaint or other initial pleading in this action was filed on (date):

3. Applicant requests that the court grant an order extending time for service of the following pleading:
 a. ☐ Complaint
 b. ☐ Cross-complaint
 c. ☐ Petition
 d. ☒ Answer or other responsive pleading
 e. ☐ Other (describe):

4. Service and filing of the pleading listed in Item 3 is presently required to be completed by (date): **5/14/2025**

5. Previous applications, orders, or stipulations for an extension of time to serve and file in this action are:
 a. ☒ None
 b. ☐ The following (describe all, including the length of any previous extensions):

6. Applicant requests an extension of time to serve and file the pleading listed in Item 3 on the following parties (name each):
Jane Pie, Inc.

Enter case name and case number

CM-020

CASE NAME: **Jane Pie, Inc. v. John Doe** CASE NUMBER: **12-3-456789-1**

7. The pleading has not yet been filed and served on the parties listed in Item 6 for the following reasons *(describe the efforts that have been made to serve the pleading and why service has not been completed):*
Defendant cannot afford to hire a lawyer and is representing themselves.
Defendant needs additional time to research and file the appropriate response.

☐ Continued on Attachment 7. ☒ check this box if you need more space, attach MC-020 **Example language**
 Explain to the court why you need more time to file an answer

8. An extension of time to serve and file the pleading should be granted for the following reasons:
Defendant is diligently working on providing a response but requires additional time to research the claims made. This application is not made for the purpose of causing undue delay nor will it prejudice any parties.

☐ Continued on Attachment 8. ☒ check this box if you need more space, attach MC-020 **Example language**
 You can request a date up to 30 days after the date your response was due without plaintiff consent

9. If an extension of time is granted, filing and service on the parties listed in item 6 will be completed by (date):
6/13/2025 **Date you are requesting an extension till**

10. Notice of this application under rules 3.1200–3.1207 ☒ has been provided as required *(describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected or not required (state reasons):* ☐ is not required (state reasons):
See Attachment. **Check this box or check the other box if you believe and wish to explain why notice is not required**

☒ Continued on Attachment 10. ☒ Let the court know how many additional pages are attached to this form

11. Number of pages attached: **1**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: **5/13/2025**

John Doe
 (TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)

Sign Here
 (SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

Order on Application is ☐ below ☐ on a separate document.

ORDER

1. The application for an order extending time to serve and file the pleading is ☐ granted ☐ denied.

2. The pleading must be served and filed no later than (date):

3. ☐ The case management conference is rescheduled to:
 a. Date:
 b. Time:
 c. Place:

4. Other orders:

5. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

Date: _____ JUDICIAL OFFICER _____

CM-020 (Rev. January 1, 2008) EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND ORDERS Page 2 of 3

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form **Save this form** **Clear this form**

Do NOT fill out this portion

<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">Enter case name and case number</div>	
SHORT TITLE: Jane Pie, Inc. v. John Doe	CASE NUMBER: 12-3-456789-1

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ATTACHMENT 10 TO EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING:

Tell the court what part of the form the attachment corresponds to

This application is submitted without appearance pursuant to California Rules of Court, rule 3.1207(2). On May 12, 2025, at approximately 9:30 a.m., Defendant attempted to contact Plaintiff's counsel by phone using the number listed in the Summons and Complaint. A voicemail was left stating that a request for an additional 30 days to file a responsive pleading would be submitted, along with the date, time, and location of the ex parte application.

Shortly thereafter, at approximately 9:35 a.m., an email was sent to Plaintiff's counsel containing the same information and attaching a copy of this application.

Example language

Add page number

(Required for verified pleadings) The items on this page stated on Information and belief are *(specify item numbers, not line numbers)*

This page may be used with any Judicial Council form or any other paper filed with the court.
Page 3

You can view the Judicial Directory and Assignments for a list of current judicial officers per court location and department: [Judicial Directory and Assignments | Superior Court of California | County of Alameda](#)

Filings and Fees

Copies:

- Provide one copy to the court clerk and keep at least one copy for yourself.

Filing:

- Ensure pages are single sided when making a paper filing with the court [\[CRC 2.102\]](#)
- In Alameda County Superior Court, civil cases are generally assigned to a single judge for all purposes. Filings for ex parte applications are generally made to the department to which the case is assigned.
 - For cases not assigned to a single judge for all purposes, ex parte applications are heard in Department 511.

Where to file hard copies:

You may file the application at either of the following locations for civil cases ([see Local Rule 1.9\(d\)–\(i\)](#)):

The René C. Davidson Courthouse

Room 109
1225 Fallon Street
Oakland, CA 94612

The Hayward Hall of Justice

Office of the Civil Clerk 2
4405 Amador Street
Hayward, CA 94544

Note: If filing by mail or drop box, you may obtain file-endorsed copies by providing a postage-paid, self-addressed envelope with the filing ([Local Rule Rule 1.8.1](#))

Important - ask the following questions:

- (1) How will you know if your request has been granted?
- (2) Will the Executive Officer/Clerk of the court serve the order, or will you need to?

Filing Fees:

- There is a \$60 fee for filing an ex parte application that requires a party to give notice of the ex parte appearance to other parties [[Gov.C. § 70617\(a\)](#)]

View: [Alameda County Superior Court Current Fee Schedules](#)

Fee waiver:

Information on asking for a fee waiver: [Ask for a Fee Waiver | California Courts | Self Help Guide](#)

The East Bay Community Law Center has a helpful guide to filling out a fee waiver. [Fee-Waiver-FW001-Guide_ENGLISH.pdf](#) [Please note that the fee mentioned in the guide is not for ex parte applications.]

You may file a fee waiver with the application.

Order and Service of Order

You may be able to view orders granted or denied on your application through [eCourt](#).

- Instructions for how to create an eCourt account: [PublicPortaJobAidJan2022v2.pdf](#)

If not done by the clerk, the applicant should serve any signed orders to the plaintiff's attorney (or the plaintiff if they are also pro per). File the original order and proof of service with the court.

After obtaining the order, it must be filed immediately and served within 24 hours or within such other time as may be fixed by the court [[CRC 2.20\(c\)](#)].

You may use [POS-030 – Proof of Service by First-Class Mail-Civil](#).

The Sacramento County Law Library has a great guide on serving documents by mail: [Serving Documents by Mail - Sacramento County Public Law Library](#)

Additional information about Ex-Parte Applications:

An ex parte application usually needs a supporting memorandum [see [CRC 3.1201\(4\)](#)], but if you use the Judicial Council form, you don't have to include one [[CRC 3.1114\(a\)\(2\)](#)].

An ex parte request to extend time to serve a pleading also does not require the applicant to appear for an ex parte hearing [[CRC 3.1207\(2\)](#)].

A reservation date through eCourt is only required for applications that require a hearing [[Rulings on Motions | Superior Court of California | County of Alameda](#)].

For parties appearing at an ex parte hearing, the parties must serve the ex parte application or any written opposition on all other appearing parties at the first reasonable opportunity. Absent exceptional circumstances, no hearing may be conducted unless such service has been made. [[CRC 3.1206](#)]