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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RITA ACOSTA, et al.,  
Plaintiffs,  
v.  
CITY OF SALINAS,  
Defendant.

Case No. 15-CV-05415-LHK

**ORDER DENYING *EX PARTE*  
MOTIONS FOR ADMINISTRATIVE  
RELIEF**

Re: Dkt. Nos. 57, 58

On March 7, 2016, Plaintiffs filed an *ex parte* motion for administrative relief to “extend the deadline for filing Plaintiffs’ motion for a temporary restraining order.” ECF No. 57. Later that same day, Plaintiffs filed another, substantially identical *ex parte* motion for administrative relief seeking the same deadline filing extension. ECF No. 58.<sup>1</sup>

Civil Local Rule 7-10 states that “a party may file an *ex parte* motion . . . only if a statute, Federal Rule, local rule or Standing Order authorizes the filing of an *ex parte* motion in the circumstances and the party has complied with the applicable provisions allowing the party to

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<sup>1</sup> The only apparent difference between these two *ex parte* motions is that Plaintiffs’ second *ex parte* motion includes the following statement above Plaintiffs’ counsel’s signature: “Under penalty of perjury under the laws of the United States I declare that the foregoing is a true and correct statement.” ECF No. 58 at 3.

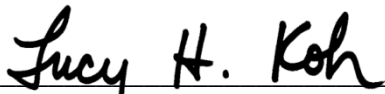
1 approach the Court on an *ex parte* basis.” Civil L.R. 7-10. In addition, any *ex parte* motion “must  
2 include a citation to the statute, rule or order which permits the use of an *ex parte* motion to obtain  
3 the relief sought.” *Id.*

4 Plaintiffs’ *ex parte* motions fail to comply with Civil Local Rule 7-10. Indeed, in neither  
5 motion have Plaintiffs “include[d] a citation [to] the statute, rule or order which permits the use of  
6 an *ex parte* motion to obtain the relief sought.” *Id.* Accordingly, the Court DENIES Plaintiffs’ *ex*  
7 *parte* motions for administrative relief.

8 The Court observes that this is not the first time that the parties have sought to file  
9 documents in this action on an *ex parte* basis. Furthermore, this is not the first time the Court has  
10 denied an *ex parte* motion because the motion fails to comply with the pertinent procedural  
11 requirements. During the March 3, 2016 case management conference, the Court emphasized that  
12 too many documents were being filed on an *ex parte* basis in this action, and that, given the  
13 gravity of the issues presented, the Court would like to hear from both parties going forward. ECF  
14 No. 52. The parties agreed with the Court’s assessment. Accordingly, the Court again emphasizes  
15 that *ex parte* filings in this action are strongly discouraged.

16 **IT IS SO ORDERED.**

17 Dated: March 7, 2016

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LUCY H. KOH  
United States District Judge

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