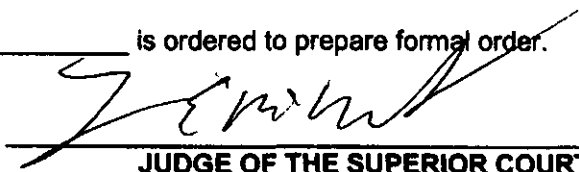


9:30

**SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO
ORDER DETERMINING DISPOSITION OF EX PARTE APPLICATION**

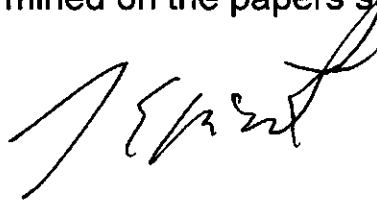
Case Name Hagele vs. Hanson		Case Number Dbas00839
Type of Application TRD	By TT	Application Date MAR 11 2010
Names of Appearing Party		Representing
Glenn Hagele		TT- pro per
Michael Myers		A-
<p>The Court, having considered the above entitled ex parte application with appearance as noted above, rules as follows:</p> <p><input type="checkbox"/> The application is granted.</p> <p><input type="checkbox"/> The application is denied on the merits of the papers presented to the Court.</p> <p><input type="checkbox"/> The application is denied without prejudice to its resubmission for the following reason(s): A NOTICED MOTION FOR A PRELIMINARY INJUNCTION</p> <p><input checked="" type="checkbox"/> The moving party may not proceed except by noticed motion.</p> <p><input checked="" type="checkbox"/> Other SEE ATTACHED.</p> <p><input type="checkbox"/> Counsel for the _____ is ordered to prepare formal order.</p>		
MAR 11 2010		
DATE		JUDGE OF THE SUPERIOR COURT
		LOREN E. McMASTER

The application for a temporary restraining order and OSC re preliminary injunction is denied without prejudice to filing a noticed motion for a preliminary injunction.

The declaration fails to set forth admissible evidence of an emergency or exigent circumstances requiring ex parte relief. Such a declaration is a mandatory requirement. CRC Rules 3-1201(2) and 3.1202(c). This case has been active since 2006 asserting the same claims. The instances cited in this ex parte request go back to 2008. These facts belie any claimed emergency.

Since the court has only a limited time to deal with ex parte matters, the Court declines to consider those requests where there is no emergency requiring court action before the time a noticed motion could be heard.

The Court declines to entertain oral argument on this ex parte request. There is no right to oral argument in an ex parte proceeding; the judge may properly decide the matter on the papers presented. See *Wilburn v. Oakland Hospital* (1989) 213 Cal.App.3d 1107, 1111. As Local Rule 2.04 (A) states, "The adequacy of the application for temporary relief will be determined on the papers submitted.

A handwritten signature in black ink, appearing to read "Loren E. McMaster", is written over the typed name below.

LOREN E. McMASTER