

6-19/170.00 Ex Parte Hearing Procedure

The right to due process of law ordinarily entitles a defendant to a noticed hearing and the opportunity to oppose the issuance of a writ of attachment. However, a writ may be issued ex parte (without notice to the defendant) if the plaintiff will suffer great or irreparable injury or if the defendant resides outside the state.

- **6-19/170.10 Grounds for Ex Parte Hearing**

Except as otherwise provided by statute, no right to attach order or writ of attachment may be issued pursuant to this chapter unless it appears from facts shown by affidavit that great or irreparable injury would result to the plaintiff if issuance of the order were delayed until the matter could be heard on notice. (CCP 485.010)

- **6-19/170.20 Issuance of Right to Attach Order and Writ of Attachment**

Upon the filing of the complaint or at any time thereafter, the plaintiff may apply pursuant to this article for a right to attach order and a writ of attachment by filing an application for the order and writ with the court in which the action is brought. (CCP 485.210)

The court shall examine the application and supporting affidavit and, except as provided in CCP 486.030, shall issue a right to attach order, which shall state the amount to be secured by the attachment, and order a writ of attachment to be issued upon the filing of an undertaking. (CCP 485.220) See 6-19/150.00
Undertaking
