

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Novedades Y Servicios, Inc. v. Financial Crimes Enforcement
Network**

Novedades Y Servicios · No. 25-CV-886 JLS (DDL) · Decided July 17, 2025

SUMMARY

The United States District Court for the Southern District of California denied without prejudice Defendants’ ex parte motion to stay district court proceedings pending appeal. The court based its ruling on repeated violations of the court’s local ex parte-motion requirements and noted that the motion did not appear to present an unusually urgent circumstance.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 17, 2025
DOCKET	25-CV-886 JLS (DDL)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved ex parte to stay district-court proceedings pending appeal. The district court denied the motion without prejudice because defendants failed to comply with the affidavit-or-declaration requirement for ex parte motions under the court’s Civil Local Rules.
PRECEDENTIAL VALUE	Unknown

TOPICS

- appellate procedure
- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether defendants' ex parte motion to stay district-court proceedings should be considered when it was not supported by the affidavit or declaration required by Civil Local Rule 83.3(g)(2).
2. Whether the circumstances presented an unusually urgent situation warranting ex parte relief.

HOLDINGS

1. An ex parte motion to stay proceedings may be denied without prejudice when the movant fails to provide the affidavit or declaration required by Civil Local Rule 83.3(g)(2), particularly after repeated violations of that rule.
2. The circumstances described did not demonstrate the temporal urgency necessary to justify ex parte relief, and any renewed request should address the absence of an identified emergency and consider the ordinary noticed-motion procedure.

KEY QUOTATIONS

“ex parte motions ‘are rarely justified,’ only to be used ‘where there is a temporal urgency such that immediate and irreparable harm will occur if there is any delay in obtaining relief’” (at 1)

FACTUAL BACKGROUND

Defendants sought an emergency stay of district-court proceedings while an appeal was pending. They had recently joined a proposed briefing schedule that the court adopted, including a deadline for the government's cross-motion for summary judgment on September 29, 2025. The motion did not explain what circumstances had changed or why emergency ex parte relief was necessary, and defendants had previously violated the same local-rule provision twice.

PROCEDURAL HISTORY

Defendants filed an ex parte motion to stay proceedings pending appeal, asserting that they had conferred with opposing counsel and that plaintiffs opposed the stay. The court found that defendants had not submitted the affidavit or declaration required by Civil Local Rule 83.3(g)(2), notwithstanding a recent warning concerning the same rule. The motion was denied without prejudice on procedural grounds, with leave to renew if defendants complied with the applicable rules.

DISPOSITION

other

CASES CITED

- Mission Power Eng'g Co. v. Cont'l Cas. Co., 883 F. Supp. 488, 490 (C.D. Cal. 1995)