

Requesting an Emergency Hearing

Procedure to Request an Emergency Hearing

Step One: A verified Complaint (lawsuit) with a separate Motion for Emergency Hearing (also verified) **must** first be filed with the Clerk of Superior Court to get a Judge assignment. The Judge assignment is required because some Judges prefer to hear their own emergency hearings. The Clerk of Superior Court is located on the 1st Floor, Main Cobb Superior Court Building.

Step Two: A Rule Nisi (an Order to appear before the Assigned Judge) with the first available hearing date before the assigned Judge **must** be obtained from either the Clerk of Superior Court or the Assigned Judge.

Step Three: A courtesy copy of the verified Complaint (lawsuit) and Motion for Emergency Hearing must be presented by email to the Presiding Judge's Staff Attorney at MCFudger@cobbcounty.org

Step Four: The Presiding Judge and the Staff Attorney will review the verified Complaint (lawsuit) and Motion for Emergency Hearing to determine if the issues authorize an emergency hearing.

Step Five: If the Presiding Judge determines the case should be heard on an emergency basis, the Presiding Judge will issue a separate Rule Nisi (an Order to appear before the Presiding Judge) with a set date, time, and courtroom to appear before the Presiding Judge.

Step Six: Legal Service on the person/persons on the other side is **required**. The moving party (the person/persons requesting the emergency hearing) has the responsibility of seeing that the person/persons on the other side are personally served with the lawsuit and hearing date.

Legal Personal Service on the person/persons on the other side of an emergency hearing can be by a Cobb County Deputy Sheriff **or** by a Process Server (a process server is a person who delivers a court order and/or documents that compel a defendant's presence in court. The process server cannot be a party to the particular case mentioned in the documents. The process server must also show proof that the documents were in fact served, which is typically accomplished with a notarized proof of service).

The names of process servers approved by Cobb Superior Court can be found by visiting the County's [Forms Page](#). Scroll down and select, "Permanent Process Server Forms". The process server lists and applications can all be found here.

PLEASE NOTE:

- A hearing date **will not** be provided over the phone.
- A request for emergency hearing **will not** be accepted through the U.S. Postal Service or by phone.

- Any delay in bringing an emergency request before the Court is deemed as evidence of a lack of a “true” emergency.