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LGR 15. DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS

For “Respective Chief Judge” see LGR 29(h).

(c) *Sealing or Redacting Court Record.*

(1) Motions to Destroy, Redact or Seal Previously Filed Documents.

(A) Civil. Motions to destroy, redact or seal all or part of a previously filed civil or domestic relations court record shall be filed with the clerk and presented, in accordance with GR 15 and GR 22, to the assigned judge or if there is no assigned judge, to the Respective Chief Judge. ~~Seattle Chief Civil Judge for civil cases with a Seattle designation and to the Chief Judge of the Maleng Regional Justice Center for civil cases with a Kent designation, the Chief Unified Family Court Judge for family law cases with children, with the following exceptions.~~

(B) Criminal. Motions for cases that are not pending trial shall be presented to the assigned judge or his or her successor or, if there is no trial assigned judge or successor, to the Respective Chief Judge. ~~Seattle Chief Criminal Judge or the Chief Judge of the Maleng Regional Justice Center.~~

(C) Guardianship, Trusts and Probate: (Title 11) Motions may be presented to any regularly sitting Ex Parte Commissioner. Pro tem commissioners are not authorized to seal documents.

(D) Vulnerable Adult Protection Order: (RCW 74.04) Motions may be presented to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

(E) Minor/Incapacitated Settlement: The motion shall be presented to the judicial officer who approved the minor settlement unless the judicial officer who approved the minor settlement is a pro tem commissioner, in which case the motion shall be brought before the assigned judge or any regularly sitting Ex Parte Commissioner.

(F) Name Changes Based on Domestic Violence: If no assigned judge, motion may be presented by the requesting party to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

(G) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 Cases: In a proceeding brought pursuant to RCW 26, “financial source document”, “personal health care record” and “confidential report” as defined under and submitted in accordance with GR 22 will be automatically sealed by the clerk without court order, if accompanied by the proper cover sheet. See, also, LFLR 5(c) and LFLR 11 with respect to family law court records in general. Motions to seal documents pursuant to GR 22 where the filing party did not attach the appropriate coversheet may be presented to a regular sitting Ex Parte commissioner. Pro tem commissioners are not authorized to seal documents.

(2) Motions to Seal/Redact when Submitted Contemporaneously with Confidential Document – Not to be Filed.

(A) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Criminal Cases Pending Trial. Submit to the Chief Criminal Judge, pursuant to the protocol in the Criminal Department Manual:
www.kingcounty.gov/courts/SuperiorCourt/criminal.

(B) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Sexually Violent Predator Cases Pending Trial. Submit to assigned judge, pursuant to (E) below.

(C) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Dependency and Termination Cases Pending Fact Finding. Submit to the ~~Chief Juvenile Judge~~ Lead Dependency Judge, pursuant to the published protocol available on the Court’s Website www.kingcounty.gov/courts/JuvenileCourt/dependency.

(D) Motions to Seal Documents Regarding Expert Witnesses and Other Services in Juvenile Offender Cases Pending Trial. Submit to the Chief Juvenile Judge, pursuant to the protocol in the Juvenile Department Offender Manual:
www.kingcounty.gov/courts/JuvenileCourt/offenders.

(E) All Other Motions.

(i) The moving party shall provide the following directly to the hearing judge and not file:

a) The original unredacted copy of the document(s) the party seeks to file under seal to the hearing judge in an envelope for in camera review. The words “SEALED PER COURT ORDER DATED [insert date]” shall be written on the unredacted document(s). The following information shall be written on the envelope: The case caption and cause number; a list of the document(s) under review; and the words “SEALED PER COURT ORDER DATED [insert date].”

b) A proposed redacted copy of the subject document(s).

c) A proposed order granting the motion to seal, with specific proposed findings setting forth the basis for sealing the document(s).

d) A self-addressed envelope with appropriate postage for the return of the document, should the party request said return.

(ii) If the hearing judge denies, in whole or in part, the motion to seal, the judge will return the original unredacted document(s) and the proposed redacted document(s) to the submitting party upon request to return if envelope with postage was provided and will file the order denying the motion to seal.

(iii) If the hearing judge grants the motion to seal the judge will file the sealed document(s) contemporaneously with a separate order granting the motion. If the judge grants the motion by allowing redaction, the judge shall write the words "SEALED PER COURT ORDER DATED [insert date]" in the caption of the unredacted document before filing.

(e) *Motions to Unseal or Examine.*

Sealed Files. Applications to examine sealed files shall be made as follows: civil, domestic, paternity and dependency cases to the assigned judge, or Respective Chief Judge, and petitions to review or remove a will from the will repository to the Ex Parte and Probate Department, with oral argument, presented in person; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion establishing justification under applicable court rules and case law. The court may, in its discretion, require notice to be given to any party in interest before permitting such examination.

(f) *Orders to Destroy, Redact or Seal.* Any order containing a directive to destroy, redact or seal all or part of a court record must be clearly captioned as such and may not be combined with any other order other than a protective order in criminal cases. The clerk may call to the attention of the judicial officer any deviation from the requirements of the rule.

LGR 20. SECURITY IN HANDLING COURT EXHIBITS

(f) Identification of Exhibits Containing DNA

(1) RCW 5.70.010 mandates the preservation of certain DNA evidence admitted by a governmental entity in certain adult criminal or juvenile offender cases. To aid in compliance with these mandates parties must identify the exhibits, when presented to the clerk, as containing DNA evidence subject to the retention requirements of that statute.

(2) Upon presentation to the clerk of exhibits declared to contain DNA evidence subject to the requirements of RCW 5.70.010, the clerk shall identify the exhibit as one containing DNA evidence subject to special retention requirements.

(3) Upon resolution of the case and expiration of the period for any appeals, the party who offered such DNA evidence must retrieve the evidence admitted so the evidence may be preserved and/or maintained as described in RCW 5.70.010.

(i) --Exhibits – Narcotics. When narcotic or dangerous drugs have been admitted in evidence or have been identified, and are being held by the Clerk as a part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the Court for an order directing the Clerk to deliver such drugs to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the Court finds these facts, and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly. The Clerk shall then deliver the drugs and take from the law enforcement agency a receipt which he/she shall file in

the cause. He/she shall also file any certificate issued by an authorized federal or state agency and received by him/her showing the nature of such drugs. See also LCR 79(d).

LGR 29. PRESIDING JUDGE IN SUPERIOR COURT

(a) *Election, Term, Vacancies, Removal and Selection Criteria.*

(1) Elections.

(A) General Provisions. Each elected position (Presiding Judge, Assistant Presiding, and Executive Committee) shall be handled by a separate election. The procedures set forth below shall be undertaken separately for each position in the following order: Presiding Judge, Assistant Presiding Judge and members of the Executive Committee.

(B) Solicitation of Candidate. Prior to each election, a questionnaire shall be circulated to every judge to determine whether that judge wishes to be a candidate for the position at issue. The solicitation for the position of Presiding Judge shall occur no later than October 1 of the year in which a Presiding Judge is to be elected. Immediately after a Presiding Judge has been elected, candidates for the position of Assistant Presiding Judge shall be solicited and an election for that position shall be held. Immediately after the election of an Assistant Presiding Judge, candidates for the Executive Committee shall be solicited. The questionnaire for each position shall include a description of the election process and the deadline by which the questionnaire must be returned.

(C) Candidate Information. A list of all judges who have responded affirmatively to the questionnaire shall be available from the Chief Administrative Officer throughout the nomination process. One week prior to the deadline for returning the questionnaires, the Chief Administrative Officer shall provide each judge with a list of all persons who have answered affirmatively regarding the race in question.

(D) Reconsideration of Previously Submitted Questionnaire. Up until the deadline for returning questionnaires, a judge may withdraw a previously submitted questionnaire and re-submit a new questionnaire indicating whether that judge wishes to be a candidate for the position in question.

(E) Distribution of Ballots. Except where there is only one candidate for a position, ballots will be immediately circulated to all judges after the deadline for returning the questionnaire for that position has passed. Each judge shall return the ballot in the time allotted. Voting may be by absentee ballot when necessary.

(F) Counting. Ballots shall be counted by the three most junior judges present at the King County Courthouse on the first judicial day following the return date specified in the ballot.

(G) Run-Off Elections. A candidate who receives a majority of votes cast shall be elected. If one candidate does not receive a majority of votes cast, there shall be a run-off election.

(H) Single Candidate. When only one candidate has submitted his or her name for consideration, that candidate shall be deemed elected without the need for the distribution and counting of ballots.

(2) Term.

(A) The Presiding Judge shall serve an initial term of two-years. Thereafter, the Presiding Judge may run for re-election for successive one-year terms. The term shall commence on January 1 of the year in which the Presiding Judge's term begins.

(B) The Assistant Presiding Judge shall serve a one-year term, commencing on January 1. A candidate for Assistant Presiding Judge who wishes to serve in the last year of the term of the Presiding Judge shall indicate an intention to seek the position of Presiding Judge for the following term.

(C) The elected members of the Executive Committee shall serve a two-year term. The terms are to be staggered such that approximately half the elected members are chosen in odd-numbered years and half in even-numbered years. Terms shall commence on January 1.

(3) **Vacancies.** If a judge who has been elected to any office resigns from office or is otherwise unable to complete a term, the Presiding Judge shall promptly establish an election process consistent with the method provided in these rules.

(g) Executive Committee.

(1) Membership of the Executive Committee.

(A) The Presiding Judge and Assistant Presiding Judge shall serve as members of the Executive Committee.

(B) The immediate past Presiding Judge shall serve as a member of the Executive Committee for the year following the judge's service as Presiding Judge.

(C) The chief judges of the juvenile, civil, criminal and unified family court departments and of the Maleng Regional Justice Center shall serve as members of the Executive Committee.

(D) There shall be six additional members of the Executive Committee (seven if there is no immediate past Presiding Judge) elected at large. The member elected to fill the seventh position, in the absence of an immediate past Presiding Judge, shall be elected for a one year term, as determined by lot drawn from all newly elected members.

(E) When the Executive Committee is considering a report or recommendation made by a committee, the chair of that committee shall be invited to attend the meeting and may vote on issues pertaining to that committee.

(2) Powers and Duties of the Executive Committee.

(A) Decide matters of policy affecting the court, not reserved to the judges as a whole. Decisions shall be final unless referred to the judges as a whole pursuant to sec.(a)(13) of this rule. Provided, however, that decisions involving urgent matters may be implemented after notice to the judges.

(B) Make recommendations on policy matters to the judges at any meeting of the judges.

(C) Recommend the designation and duties of the committees of the court and receive reports and recommendations from committees. Whenever matters to be considered by the Executive Committee concern the work of another committee, the chair of that committee shall be notified of the meeting and shall be considered a member of the Executive Committee for the limited purpose of voting on such matter.

(D) Act in an advisory capacity to the Presiding Judge.

(E) Review and advise the Presiding Judge concerning his or her decision, in the capacity of Presiding Judge, to report a judge or commissioner to the Judicial Conduct Commission.

(F) Determine whether disciplinary action of a commissioner, short of termination, is appropriate.

(G) Approve an expenditure budget and review and approve actual unfunded items.

(H) Determine the general qualifications of and establish a training program for pro tem judges and pro tem court commissioners. Training may be delegated to the relevant standing committee.

(I) Conduct the annual performance review of the Chief Administrative Officer and the Director of Judicial Administration.

(J) Meet at least once a month and provide written agenda and timely notice of the regular Executive Committee meetings to all judges and commissioners. If attachments are available in electronic form, they shall be distributed with the agenda.

(K) Promptly distribute to the judges written minutes of action taken by the Executive Committee.

(L) In the absence of the Presiding and Assistant Presiding Judge, the senior member of the Executive Committee shall serve as Acting Presiding Judge.

(h) Respective Chief Judge. In these Local Rules, “Respective Chief Judge” means:

(1) In a case that has a Seattle case-assignment-area designation (SEA) and is:

(A) a civil case or a family law case not involving children: the Chief Civil Judge;

(B) a criminal case: the Chief Criminal Judge;

(C) a juvenile offender case: the Chief Juvenile Judge;

(D) a family law case involving children: the Chief Judge of the Unified Family Court.

(2) In a case that has a Kent case-assignment-area designation (KNT) and is:

(A) a civil case, a family law case not involving children, or a criminal case: the Chief Judge of the Maleng Regional Justice Center;

(B) a family law case involving children: the Chief Judge of the Unified Family Court.

~~(1) in civil cases with a Seattle case-assignment-area designation (SEA), the Chief Civil Judge;~~

~~(2) in criminal cases with a Seattle case-assignment-area designation (SEA), the Chief Criminal Judge;~~

~~(3) in civil or criminal cases with a Kent case-assignment-area designation (KNT), the Chief Judge of the Maleng Regional Justice Center;~~

~~(4) in juvenile offender cases, the Chief Juvenile Judge; and~~

~~(5) in family law cases, the Chief Judge of the Unified Family Court.~~

LCR 4. CIVIL CASE SCHEDULE

(a) Case Schedule. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a “Case Schedule”). When an initial pleading is filed electronically the Clerk will provide an electronic copy to the party filing the initial pleading. When an initial pleading is filed in paper form the Clerk will provide two copies to the party filing the initial pleading.

(b) Cases not governed by a Case Schedule. Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

(1) Change of name;

(2) Domestic violence protection (RCW chapter 26.50);

- (3) Anti-harassment protection (RCW chapter 10.14);
- (4) Uniform Reciprocal Enforcement of Support Act (URESAs) and Uniform Interstate Family Support Act (UIFSA). See LFLR 5;
- (5) Unlawful detainer;
- (6) Foreign judgment;
- (7) Abstract or transcript of judgment;
- (8) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
- (9) Civil commitment;
- (10) Proceedings under RCW chapter 10.77;
- (11) Proceedings under RCW chapter 70.96A;
- (12) Proceedings for isolation and quarantine;
- (13) Vulnerable adult protection (RCW 74.34);
- (14) Proceedings referred to referee under RCW 4.48. See LCR 53.1;
- (15) Adoptions;
- (16) Sexual Assault protection (RCW 7.90)
- (17) Emancipation of a Minor. See LFLR 18;
- (18) Will Contests, Probate and TEDRA Matters;
- (19) Marriage Age Waiver Petitions. See LFLR 19;
- (20) Receivership Proceedings (filed as an independent action and not under an existing proceeding);
- (21) Work Permits;
- (22) Small Claims Appeals;
- (23) Petition to Approve Minor/Incapacitated Adult Settlement (when filed as an independent action and not under an existing proceeding);

(24) Interpleader Actions.

(c) Service of Case Schedule on Other Parties.

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, or electronically when the party being served has agreed to accept electronic service pursuant to GR 30(b)(4), with proof of service to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

(3) Upon receipt of the Case Schedule or any amendment thereof, counsel for each party shall promptly provide a copy to his or her own client either by regular mail or electronically.

(d) Amendment of Case Schedule. The Court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided in LCR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other

parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court will prepare and file the Amended Case Schedule and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge, except as provided below:

(1) The Deadline for Disclosure of Possible Primary Witnesses and/or the deadline for Disclosure of Additional Witnesses (LCR26 (b)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: "No party may assert this delay in the Disclosure of Witnesses as a basis for a continuance of the established trial date".

(2) The Discovery Cutoff (LCR 37(g)) may be extended by written stipulation of all parties without the necessity of a court order for an additional period not to exceed 14 days without first applying for approval of the assigned judge, provided that the stipulation contains the following provision: "No party may assert this extension of the Discovery Cutoff as a basis for a continuance of the established trial date."

(e) Form of Case Schedule.

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing	0
Confirmation of Issues (LFLR 4(c) for dissolution and modification cases)..	F+16
Status Conference, if needed (Domestic Relations cases only-see LFLR 4(e))	F+20
Confirmation of Joinder (LCR 4.2(a) for civil cases)	F+23
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LMAR 2.1)	F+23
Confirmation of Completion of Genetic Testing (LFLR 4(d) for paternity cases)	F+34
Disclosure of Possible Primary Witnesses (LCR 26(b))	T-22
Disclosure of Possible Additional Witnesses (LCR 26(b))	T-16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases)(LCR 38(b)(2))	T-14
Discovery Cutoff (LCR 37(g))	T-7
Deadline for Engaging in Alternative Dispute Resolution	T-4
Deadline for filing "Joint Confirmation Regarding Trial Readiness" (LCR 16)...	T-3
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LCR 4(j))..	T-3
Deadline for Hearing Dispositive Pretrial Motions (LCR 56, CR 56)	T-2

Deadline for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions	T-1
Joint Statement of Evidence (LCR 4(k))	T-1
Trial	T

IT IS ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in CR 37, may be imposed for noncompliance. IT IS FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated: _____
 _____ Judge

I understand that a copy of this document must be given to all parties:
 _____ (Signature)

Note: a number in the right column preceded by an "F" refers to the number of weeks after filing; a number in the right column preceded by a "T" refers to the number of weeks before trial.

(f) Monitoring. At such times as the Presiding Judge may direct, the Clerk will monitor cases to determine compliance with these rules.

(g) Enforcement; Sanctions; Dismissal; Terms.

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

(h) Failure to Follow Schedule. The court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for a status conference. In family law cases where the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

(i) Failure to Appear on Scheduled Trial Date

(1) The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. Unless final orders are entered at the time of trial, the party shall file their proposed final documents within thirty days of the trial decision.

(j) Exchange of Witness and Exhibit Lists. In cases governed by a Case Schedule pursuant to LCR 4, the parties shall exchange, no later than 21 days before the scheduled trial date: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits, except for those to be used only for illustrative purposes. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than 14 days before trial. Any witness or exhibit not listed may not be used at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires. See LCR 26 (witness disclosure requirements.)

(k) Joint Statement of Evidence. In cases governed by a Case Schedule pursuant to LCR 4 the parties shall file, no later than 5 court days before the scheduled trial date, a Joint Statement of Evidence, so entitled, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity or admissibility.

(l) Non-dispositive Pretrial Motions. All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LCR 7(b). Responsive documents shall also be served and filed pursuant to the requirements of LCR 7(b). In addition, working copies of all motion documents shall be provided pursuant to the requirements of LCR 7(b).

(m) Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions. Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a working copy submitted to the assigned Judge, no later than five court days before the scheduled trial date.

Official Comment

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or JuCR 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

3. Attorneys and parties are expected to exercise good faith in complying with this rule – for example, by not listing a witness or exhibit that the attorney or party does not actually expect to use at trial.

4. A party wishing to present the testimony of a witness who has been listed by another party may not rely on the listing party to obtain the witness's attendance at trial. Instead, a subpoena should be served on the witness, unless the party is willing to risk the witness's failure to appear.

5. All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial; such witnesses obviously cannot be listed ahead of time.

6. The deadlines in the Case Schedule do not supplant the duty of parties to timely answer interrogatories requesting the names of individuals with knowledge of the facts or with expert opinions. Disclosure of such witnesses known to a party should not be delayed to the deadlines established by this rule.

LCR 7. CIVIL MOTIONS

For “Respective Chief Judge” see LGR 29(h).

(b) *Motions and Other Documents.*

(1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LCR 12, LCR 26, LCR 40, LCR 56, and the LFLR's.

(2) Hearing Times and Places. Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, Maleng Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122) by telephone at (206) 296-9300 or by accessing www.kingcounty.gov/courts/clerk. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

(3) Argument. All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of Commissioners' rulings, other than rulings regarding involuntary commitment and Title 13 proceedings;

(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LFLR 5;

(D) Motions to be presented in person to the Ex Parte and Probate Department pursuant to the Ex Parte and Probate Department Presentation of Motions and Hearings Manual (“Motions and Hearings Manual”) issued by the Clerk;

(E) Motions for which the Court allows oral argument.

(4) Dates of Filing, Hearing and Consideration.

(A) Filing and Scheduling of Motion. The moving party shall serve and file all motion documents no later than six court days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on a judicial day. For cases

assigned to a judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the judge's staff; for motions without oral argument, the assigned judge will consider the motion on the next judicial day.

(B) Scheduling Oral Argument on Dispositive Motions. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

(C) Oral Argument Requested on All Other Motions. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or opposition.

(D) Opposing Documents. Any party opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and deliver working copies to the hearing judge no later than 12:00 noon two court days before the date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

(E) Reply. Any documents in strict reply shall be similarly filed and served no later than 12:00 noon on the court day before the hearing.

(F) Working Copies. Working copies of the motion and all documents in support or opposition shall be delivered to the hearing judge, commissioner, or appropriate judicial department no later than on the day they are to be served on all parties. The copies provided to the judge and all parties should be in the same form, including but not limited to markings, highlights, and color copies. Working copies shall be submitted as follows:

(i) Electronic Submission of Working Copies. Judges' working copies of an e-filed motion and all documents in support or opposition may be electronically submitted using the Clerk's eFiling application. The Clerk may assess a fee for the electronic submission of working copies.

(ii) E-Filed Documents for which Working Copies Shall Not be Electronically Submitted. Judges' working copies shall not be electronically submitted for any document of 500 pages or more in length or for any documents filed in paper form. These working copies must be submitted in paper form pursuant to the requirements in this rule.

(iii) Delivery of Working Copies in Paper Form. The upper right corner of all judges' working copies submitted in paper form shall be marked "working copies" and note the date of consideration or hearing, the name of the hearing judge or commissioner or the name of the calendar on which the motion is to be heard, by whom the documents are being presented ("moving party," "opposing party," or other descriptive or identifying term), and shall be delivered to the judges' mailroom or appropriate department in the courthouse in which the judge or commissioner is located.

(G) Terms. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the court over objection of counsel except upon the imposition of appropriate terms, unless the court orders otherwise.

(H) Confirmation and Cancellation. Confirmation is not necessary, but if the motion is stricken, the parties shall immediately notify the opposing parties and notify the staff of the hearing judge.

(5) Form of Motion and Responsive Pleadings.

(A) ~~Note for Motion~~ Notice of Court Date. A ~~Note for Motion~~ Notice of Court Date shall be filed with the motion. The ~~Note~~ Notice shall identify the moving party, the title of the motion, the name of the hearing judge, the trial date, the date for hearing, and the time of the hearing if it is a motion for which oral argument will be held. A ~~Note for Motion~~ Notice of Court Date form is available from the Clerk's Office and online: www.kingcounty.gov/courts/scforms.

(B) Form of Motion and of Responsive Pleadings. The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

(i) Relief Requested. The specific relief the court is requested to grant or deny.

(ii) Statement of Facts. A succinct statement of the facts contended to be material.

(iii) Statement of Issues. A concise statement of the issue or issues of law upon which the Court is requested to rule.

(iv) Evidence Relied Upon. The evidence on which the motion or opposition is based must be specified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings. Responsive pleadings shall conform to this format.

(v) Authority. Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing Judge and to counsel or parties, but shall not be filed with the Clerk. See LCR 5(k).

(vi) Word Limits. The initial motion and opposing memorandum shall not exceed 4,200 words without authorization of the court; reply memoranda shall not exceed 1,750 words without the authority of the court. The word count includes all portions of the motion/memorandum, including headings and footnotes, except 1) the caption; 2) tables of contents and/or authorities, if any; and 3) the signature block. The signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains _____ words, in compliance with the Local Civil Rules."

(C) Form of Proposed Orders; ~~Mailing Envelopes~~; E-mail Addresses. The moving party and any party opposing the motion shall include with their submissions a proposed order. The original of each proposed order shall be submitted to the hearing judge along with any working copies. If the motion is to be considered without oral argument, the moving party shall at the time of filing the motion provide to the court ~~either pre-addressed stamped envelopes addressed to each party/counsel, or~~ e-mail addresses, for the court's use in providing courtesy copies of entered orders. Where working copies are provided via the Clerk's eWorking Copies Application, the parties shall request courtesy copies of entered order(s) through the Clerk's application.

(6) Motions to Reconsider. See LCR 59.

(7) Reopening Motions. No party shall remake the same motion to a different judge or commissioner without showing by affidavit ~~what the~~ motion ~~was~~ previously made, when and to which judge or commissioner, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judge or commissioner.

(8) Motions for Revision of a Commissioner's Order. For all cases except juvenile and involuntary treatment proceedings:

(A) A motion for revision of a commissioner's order shall be ~~served and~~ filed within 10 days of entry of the written order, as provided in RCW 2.24.050, ~~along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision.~~ The motion shall only identify the error(s) claimed and provide no new material. Since the motion for revision is based purely on the record before the Commissioner, no response or reply to the motion may be filed (see LCR 7(b)(8)(B)(iii) below).

(B) A hearing on a motion for revision of a commissioner's order shall be scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Respective Chief ~~Civil~~ Judge, orders otherwise.

(i) For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

(ii) For cases not assigned to an individual Judge, the hearing shall be scheduled by the ~~Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the Maleng Regional Justice Center Chief Judge. For family law cases involving children the hearing shall be scheduled by the Chief Unified Family Court~~ Respective Chief Judge.

(iii) All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned judge a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, as well as a copy of the electronic recording, if the motion before the commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

(iv) The commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Respective Chief Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the assigned judge or Respective Chief Judge working copies of the motion, notice of the hearing, and copies of all documents submitted by all parties to the commissioner, pursuant to LCR 7(b).

(vi) For cases in which a timely motion for reconsideration of the commissioner's order has been filed, the time for filing a motion for revision of the commissioner's order shall commence on the date of the filing of the commissioner's written order of judgment on reconsideration.

(9) Motion for Order to Show Cause. Motions for Order to Show Cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For cases where the return on the order to show cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the assigned judge before presenting the motion to the Ex Parte and Probate Department.

(10) Motion Shortening Time.

(A) The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with this rule.

(B) A motion for order shortening time may not be incorporated into any other pleading.

(C) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time. The declaration in support of the motion must indicate what efforts have been made to notify the other side.

(D) Except for emergency situations, the court will not rule on a motion to shorten time until the close of the next business day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a

conference call, so that the opposing party may respond orally and the court can make an immediate decision.

(E) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in effect, except to the extent that they are specifically dispensed with by the court.

(11) Motion for Stay of Proceedings.

(A) Motions for stay of proceedings shall be heard by the individual judge assigned or if not assigned by the ~~Chief Civil Judge, Chief Judge of the Maleng Regional Justice Center or Chief Unified Family Court~~ Respective Chief Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

LCR 26. DISCOVERY, INCLUDING DISCLOSURE OF POSSIBLE WITNESSES AND PROTECTIVE ORDERS

(b) Discovery Limits.

(1) **Scope.** This rule shall apply to all cases governed by a Case Schedule pursuant to LCR 4.

(2) Interrogatories.

(A) **Cases With Court-Approved Pattern Interrogatories.** In cases where a party has propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories.

(B) **Cases Without Court-Approved Pattern Interrogatories.** In cases where a party has not propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 40 interrogatories, including all discrete subparts.

(3) **Depositions.** A party may take no more than 10 depositions, with each deposition limited to one day of seven hours; provided, that each party may conduct one deposition that shall be limited to two days and seven hours per day.

(4) **Requests for Admission.** A party may serve no more than 25 requests for admission upon any other party in addition to requests for admission propounded to authenticate documents.

(5) Modification.

(A) **Stipulation of the parties.** These limitations may be increased or decreased by written stipulation of the parties based on the scope of the legal and factual issues presented. Nothing in this rule precludes the parties from engaging in the informal exchange of information in lieu of formal discovery. The parties may establish a written timetable for discovery and develop a discovery plan that will facilitate the economical and efficient resolution of the case. Such plan need not be submitted to the court for approval.

(B) **Court order.** If the parties do not agree that discovery in excess of that provided by these rules is necessary, a party may file a motion to submit additional discovery pursuant to

LCR 7(b). The proposed order shall include details of what additional discovery is required. A certificate of compliance as required by LCR 37(f) shall be filed with the motion.

(6) Discovery requests in violation of rule.

(A) Unless authorized by order of court or written stipulation, a party may not serve requests for admission or interrogatories or note depositions except as authorized by this rule.

(B) Absent a court order or stipulation altering the scope of discovery, the party served with interrogatories or requests for admission in violation of this rule shall be required to respond only to those requests, in numerical order, that comply with LCR 26(b). No motion for protective order is required. The party shall indicate in the answer section of the Interrogatories or Requests for Admission that the party is refusing to respond to the remaining questions because they exceed the discovery limits.

(C) Absent a court order or stipulation altering the scope of discovery, a party served with a notice of deposition in violation of this rule shall inform all parties to the case that he or she will not be attending the deposition. This notification shall occur as soon as possible and, absent extraordinary circumstances, shall not be later than 24 hours before the scheduled deposition. Notice shall be in writing and shall be provided in the manner that is most likely to provide actual notice of the objection. Fax or e-mail notification is permitted, provided (1) the parties have previously agreed to receive pleadings in this manner or (2) the objecting party also provides telephonic notification.

(7) Applicability. These discovery limitations do not apply to family law proceedings as defined by LFLR 1, supplemental proceedings undertaken pursuant to LCR 69(b) or other post-judgment proceedings.

(c) Motions to Seal/ Protective Orders. A motion to seal must be made separately pursuant to LGR 15 and cannot be submitted as part of a protective order. Motions for protective order, even if agreed, shall be presented to the assigned judge and not to the ex parte department. If the case is not assigned to a judge, the motion shall be made to the Respective Chief Judge. See LGR 29(h). Chief Civil judge for cases with an SEA designation and to the Chief Judge of the MRJC for cases with a KNT designation.

(e) Discovery Not Limited. This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule.

(k) Disclosure of Primary Witnesses. Required Disclosures.

(1) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(2) Disclosure of Additional Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(3) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:

(A) All Witnesses. Name, address, and phone number.

(B) Lay Witnesses. A brief description of the witness' relevant knowledge.

(C) Experts. A summary of the expert's opinions and the basis therefore and a brief description of the expert's qualifications.

(4) Sanctions. Failure to comply with this rule or the court's Order Setting Case Schedule may result in sanctions, including the exclusion of witnesses.

Comment: See LGR 15 and LFLR 11 for procedures relevant to motions to seal.

Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LCR 4(j) (requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LCR 4 All Witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is when the party calling a witness could not reasonably anticipate needing that witness before trial.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section (e) the rule specifically provides to the contrary.

The prior version of Section 4 of this rule was, in essence, struck down by the Supreme Court in *Jones v. Seattle*, 179 Wn2d. 322, 314 P.3d 380 (2013). The *Jones* court emphasized that trial courts must follow the three-part test of *Burnet v. Spokane Ambulance*, 131 Wn2d. 484, 933 P.2d 1036 (1997) prior to entering an order excluding a witness.

LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

For "Respective Chief Judge" see LGR 29(h).

(a) Notice of Trial--Note of Issue.

(1) Assignment of case to Judge. The Clerk at filing will issue for all civil cases, except those noted in LCR 4(b), a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(b) Where motions and proceedings to be noted. See LCR 7(b)(2) with respect to calendar locations and times. All motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1) Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned, to the Respective Chief Judge ~~Chief Civil Judge for SEA case designations and the Chief Judge at the Malong Regional Justice Center for KNT case designations.~~

(2) Family Law Proceedings. See LFLR 5.

(3) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

(4) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(5) Antiharassment, Sexual Assault, Domestic Violence and Vulnerable Adult Petitions. See LCR 40.1

(6) Order Vacating Conviction. These motions shall be noted before the judges to whom post sentencing motions have been assigned. The motion is to be noted pursuant LCR 7. See official comment.

(7) Frivolous Liens. If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Respective Chief Judge ~~Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center.~~ If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

(8) Marriage Age Waiver Petitions. See LFLR 19.

(9) Involuntary Treatment Proceedings. The hearings in involuntary treatment proceedings shall be heard on the involuntary treatment act calendar.

(10) Receivership Proceedings. See LCR 40.1(b)(2).

(11) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(12) Work Permits/Variations for Minors. Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Respective Chief Judge ~~e-Chief Civil Judge in Seattle for cases with a SEA designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a KNT designation.~~

(13) Writs.

(a) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(b) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. See also LCR 40.1(b)(2)(Q).

(14) Adult Structured Settlements. Approvals of structured settlements pursuant to Chapter 19.205 RCW shall be given a case schedule and set before the Respective Chief Judge ~~Chief Civil judge for cases with a SEA designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a KNT assignment.~~

(15) Quash of Subpoena. Motions to quash subpoena from outside the jurisdiction shall be brought before the Respective Chief Judge ~~Chief Civil Judge or the Chief Maleng Regional Justice Center Judge.~~

(16) Restoration of Right to Possess Firearm. A petition to restore the right to possess a firearm shall be noted before the King County Superior Court judge to whom post-sentencing motions have been assigned if the conviction resulting in loss of the right occurred in King County Superior Court. If the conviction resulting in loss of the right occurred in a court of limited jurisdiction or the Superior Court of another county, the petitioner must file an original cause of action in King County Superior Court and the motion shall be noted without oral argument before the Chief Criminal Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. For cases in which the loss of the right resulted from an involuntary commitment, the petitioner must file an original petition in a separate cause of action and the motion shall be noted without oral argument before the Chief Civil Judge or the Chief Maleng

Regional Justice Center Judge pursuant to LCR 7. [For cases in which loss of firearms resulted in a juvenile matter refer to the Juvenile rules.] See official comment.

(c) Trial Dates. In guardianship, TEDRA, probate, receiverships and unlawful detainer matters, the motion shall be made before the Ex Parte Department. In all other cases not assigned to a judge, the motions shall be made to the ~~Respective Chief Judge Chief Civil Judge in Seattle for cases with a SEA designation and to the Chief Judge at the Malong Regional Justice Center for cases with a KNT designation.~~ The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date. If the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the ~~Respective Chief Judge Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment,~~ for assignment of a trial date and a case schedule.

(e) Continuances/Change of Trial Date.

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f) Change of Judge. For affidavits of prejudice see RCW 4.12.050.

Official Comment

Petitions for certificates of rehabilitation is a term sometimes used to describe the Order Vacating Conviction (LCR 40(b)(6)) and Restoration of Rights (LCR 40(b)(16)) process, though this is no longer part of Washington state law.

LCR 40.1 EX PARTE AND PROBATE DEPARTMENT

(a) Ex Parte and Probate Department.

(1) Ex Parte and Probate Department Presentation of Motions and Hearings Manual. The Ex Parte and Probate Department and probate Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") is issued by the Clerk and shall contain a list

of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the Clerk's office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the Clerk's office. The Motions and Hearings Manual shall be made available online at www.kingcounty.gov/courts/clerk and in paper form through the Clerk's office and the Ex Parte and Probate Department.

(b) Motions and Other Procedures.

(1) Scope of Rules. This rule governs all matters presented to the Ex Parte and Probate Department.

(2) Cases Not Assigned. Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing shall be presented to the Ex Parte and Probate Department. The following cases or motions are heard by the Ex Parte and Probate Department:

(A) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

(B) Agreed and Default Family Law Decrees and Modifications. See LFLR 5.

(C) Antiharassment, Domestic Violence, Sexual Assault and Vulnerable Adult Protection Orders:

(i) Antiharassment Petitions. Applications for temporary antiharassment protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final antiharassment protection orders shall be set by the Clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(ii) Domestic Violence Protection Orders. See LFLR 12.

(iii) Sexual Assault Protection Orders. Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final sexual assault protection orders shall be set by the Clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(iv) Vulnerable Adult Protection Orders. Applications for temporary vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final vulnerable adult protection orders shall be set by the Clerk or Judicial Officer before the Ex Parte and Probate Department.

(D) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors. All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk's office. If the matter is contested, it may be referred by the judicial officer to the Clerk who will issue a trial date and will assign the case to a judge.

(E) Judgments on Arbitration Awards. Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

(F) Orders to Show Cause. All Motions for Show Cause shall be presented to the Ex Parte and Probate Department. For cases where the return on the order to show cause is

before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before presenting to the Ex Parte and Probate Department. See also LCR 7(b)(9). For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5.

(G) Orders Waiving Filing Fees. In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department. See GR 34. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk.

(H) Requests to Waive Ex Parte via the Clerk and ECR On-Line fees. Requests to waive fees for Ex Parte via the Clerk shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk. See LCR 78 regarding the waiver of ECR On-line fees.

(I) Orders Waiving Other Fees. Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk.

(J) Orders to Remove Non-ECR Files. Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.

(K) Orders Vacating a Dismissal. Orders vacating a dismissal of any civil case combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

(L) Receivership Proceedings. If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(M) Sealed Files: See LGR 15, LCR 26(b), LCR 77(i)(11) and LFLR 11.

(N) Temporary Restraining Orders. Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

(O) Unlawful Detainer Actions. The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the Clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(P) Unopposed Matters. Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order. Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned to the ~~Respective Chief Judge Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations~~ in accordance with LCR 7 ~~and LGR 29(h)~~.

(Q) Writs. For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For other writs, see LCR 40 (b)(13).

(3) Assigned Cases. Although assigned to a judge (IC judge), the following civil matters shall be presented to the Ex Parte and Probate Department except as provided otherwise in these rules or by the Court:

(A) In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, including motions for orders to show cause, provided that the order does not affect the case schedule, direct the Clerk to seal a document or file, provide for a protective order pursuant to LCR 26(c) or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed page word limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

(B) Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated person or minor. See SPR 98.16.

(C) Judgments on arbitration awards. See LMAR 6.3.

(D) Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

(E) Any other matters as directed by these rules or the Court.

(4) Matters Not Presented to the Ex Parte and Probate Department. Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

(5) Argument. Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

(A) Matters With Oral Argument. Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument, on the assigned Ex Parte and Probate Calendar. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

(B) Matters Without Oral Argument. All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the Clerk's office. Parties must deliver or mail their paperwork to the Clerk's office directly. The Clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

(C) Matters Required to be Noted. Matters required to be noted for hearing in the Ex Parte and Probate Department must be presented by the parties in person at the time of the noted hearing. Matters may not be noted in the Ex Parte and Probate Department for hearing without oral argument.

LCR 42. CONSOLIDATION; SEPARATE TRIALS

(a) Motions to Consolidate. Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be

made in writing to the ~~Respective Chief Judge. (See LGR 29(h)) Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations.~~ Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion.

LCR 53.1 REFEREES

(a) Orders of Reference. Before the Court can order a matter referred to a referee under RCW 4.48, a complaint or petition shall be filed with the Clerk. If an order of reference by consent is sought under RCW 4.48.010, the motion requesting the reference, including a summary showing the referee is qualified under RCW 4.48.040, and the written consent shall be filed with the Clerk, and the action shall be exempt from Local Rule 4. If assignment without consent is sought by a party under RCW 4.48.020 a motion requesting that a case be referred to a referee shall be brought for hearing before the department to which the case has been assigned, or, if not assigned to a particular department, to the ~~Respective Chief Judge. See LGR 29(h). Chief Civil Judge in Seattle for cases with an SEA designation or to the Chief Judge of the Maleng Regional Justice Center for cases with a KNT designation.~~

(b) Public Proceedings. All proceedings before a referee pursuant to RCW 4.48 shall be open to the public unless the Court orders otherwise.

(c) Posting of Notice of Trial. At least five days before the date the case is scheduled for trial before a referee, counsel shall provide the Clerk with two copies of a notice, suitable for posting, that sets forth the caption, cause number, name of referee, and the date and place of trial. If the Court has ordered that the proceedings shall be closed to the public, the notice shall so state. One copy of the notice shall be posted by the Clerk; the other copy shall be filed in the court file.

(d) Termination of Case. If a case referred to a referee is terminated without the filing of a final judgment, the parties shall have an order of dismissal entered or file with the Clerk a notice or certificate of settlement as provided in LCR 41(e).

LCR 55. DEFAULT AND JUDGMENT

(a) Entry of Default.

(1) Order of Default. When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate Department through the Clerk's office. When there has been an appearance by any non-moving party, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the ~~Respective Chief Judge (see LGR 29(h)). Chief Civil Department for Seattle case assignment area cases and the Chief Judge of the Maleng Regional Justice Center for Kent case assignment area cases~~ The Motion in support of the Order for Default shall affirmatively state whether or not there has been an appearance by any non-moving party. Failure to so state shall result in the denial of the motion for default without prejudice.

(2) Late Appearance or Answer. When a non-moving party has appeared or answered before consideration of the Motion for Order of Default, the moving party shall notify the hearing judge or commissioner.

(b) Entry of Default Judgment. Upon entry of an Order of Default, a party shall move for entry of judgment against the party in default from the Ex Parte and Probate Department

through the Clerk's office. If the Court determines that testimony is required, the moving party shall schedule the matter to be heard in person in the Ex Parte and Probate Department.

(g) Family Law Cases. In family law proceedings (see LFLR 1), motions for default and for default judgment are governed by LFLR 5 and 15, not by LCR 55.

LCR 60. RELIEF FROM JUDGMENT OR ORDER

(e) Procedure on Vacation of Judgment.

(2) Notice. When a party moves to vacate a judgment, the show-cause hearing on the motion shall be scheduled as follows: (i) before the Ex Parte and Probate Department, if the judgment was entered in the Ex Parte and Probate Department and the case was never assigned to a judge; (ii) before the judge who signed the judgment, if the judge is still on the court and the judgment was not signed in the Ex Parte and Probate Department; or (iii) before the **Respective** Chief Judge in all other situations. See also LCR 7(b)(9) (presenting motion for order to show cause). If a judicial officer grants the motion to vacate and a new trial date is necessary, the officer will, as appropriate, set the new trial date or refer the case to the **Respective** Chief Judge ~~or Clerk~~ for assignment of a judge and trial date.

(5) Family Law Cases. In family law proceedings (see LFLR 1), motions to vacate a judgment are governed by LFLR 5, not by LCR 60.

LCR 80. COURT REPORTERS AND TRANSCRIPTS

(a) Scope of Rule. The provisions of this rule apply to official court reporters, visiting judge court reporters and, court reporters *pro tempore* and to anyone who produces an official transcript, for example a transcript used for appellate purposes.

(d) General Reporting Requirements.

(1) Separate Civil and Criminal Notes. Court reporters shall keep separate notes for civil and criminal cases.

(2) Arguments; Voir Dire; Information Discussion. Unless expressly requested by a party or directed by the trial Judge, the following matters will not be reported or recorded:

- (A)** Opening statements and closing arguments in civil cases, both jury and nonjury.
- (B)** Voir dire in civil jury cases.
- (C)** Informal discussions relating to proposed instructions.
- (D)** Administrative Law Reviews

(3) Oral Rulings and Decisions. If the Judge orders in a minute entry that the judge requests to review a transcript of the oral decision before the transcript is filed, the transcriptionist shall electronically transmit a copy of the oral decision to the Judge. The Judge's corrections, if any, shall be returned to the transcriptionist within 14 days of transmittal. If the Judge does not return corrections within 14 days, the transcript shall be filed as presented to the Judge, without further notice.

(4) Verbatim Report of Proceedings. Preparation of an official transcript of electronically recorded proceedings conducted in Superior Court (including videotape, audiotape, and digital recordings) shall be completed by a court-approved transcriber in

accordance with procedures developed by ~~the Office of the Administrator for the Courts and~~ the King County Superior Court Clerk.

(A) To be included on the King County Superior Court Approved Transcriber List, reporters must complete the Affidavit Requesting Transcriber Status provided by the Superior Court Clerk.

(e) *Transcripts and Statements of Fact.*

(1) Transcripts; Notice to Opposing Counsel. Subject to making satisfactory arrangements for payment of cost, reporters shall furnish promptly all transcripts ordered by counsel. Upon request by one counsel for a transcript of any portion of the record, the reporter shall give prompt notice of the request to opposing counsel.

(2) Statements of Fact; Ordered in Writing. Counsel ordering statements of fact shall make a timely request, in writing. Subject to making satisfactory arrangements for payment of the cost, reporters shall furnish promptly all statements of fact on written order from counsel.

(3) Substitution of Reporters. In the event there is a substitution of reporters, counsel may order the transcript or statement of facts from the reporter first assigned, who shall notify the substitute reporter of the order.

(f) *Filing of Notes.*

(1) Separate Civil and Criminal Notes. Reporters shall file their notes for civil and criminal cases separately with the Clerk's office within thirty days after the conclusion of the trial or proceeding unless governed by SPRC 3.

(2) Index. Reporters shall attach and file an index, with the numbers and titles of all trials reported, for each set of notes.

(3) Withdrawal of Notes; Return. After filing the notes, reporters may withdraw them for such time as is necessary to prepare transcripts, by giving a receipt therefore to the Clerk. Reporters shall return notes to the Clerk's office as the transcripts are completed, or on demand of the Clerk.

LMAR 2.1 TRANSFER TO ARBITRATION

(a) *Statement of Arbitrability.* A party believing a case to be suitable for mandatory arbitration pursuant to MAR 1.2 shall file a statement of arbitrability upon a form prescribed by the Court before the case schedule deadline. After the date indicated on the case schedule has passed, the party wishing to transfer a case to arbitration must obtain an order from the Court upon a showing of good cause.

(b) *Response to a Statement of Arbitrability.*

(1) Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party's own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely response, the statement of arbitrability shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

(2) A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion before the assigned judge.

(c) Filing Amendments. A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.

(d) By Stipulation: A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, by leave of the Court.

(e) Case Schedule Stricken. Upon transfer of the case to arbitration, the case schedule is stricken.

LFLR 3. MANDATORY FORMS TO BE USED

The Washington State mandatory family law forms shall be used except where a mandatory form is designated “optional”, local forms have been promulgated by the Court or no mandatory form exists for the particular matter. State and local forms, including ~~Note for Motion~~ **Notice of Court Date** forms, may be obtained from the King County Superior Court Clerk, the King County Facilitator’s Office, the King County Superior Court Law Library, or by accessing www.kingcounty.gov/courts/clerk.

LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS

For “Respective Chief Judge” see LGR 29(h).

(a) Location of Courthouse (Case Assignment) and Courtrooms. Except as otherwise ordered or directed, all proceedings filed under a case with a “UFK” or “KNT” designation shall be heard at the Maleng Regional Justice Center, 401 4th Ave. N. in Kent, and all proceedings filed under a “UFS” or “SEA” designation shall be heard at the King County Courthouse, 516 Third Avenue in Seattle. See LCR 82 as to the designation of case assignment areas.

(b) Where to Schedule Motions; General Rule. Except as otherwise provided in these rules, contested pre-trial and post-trial motions in family law proceedings, including non-marital relationships involving parenting and/or the distribution of assets/liabilities, shall be heard on the Family Law Motions Calendar. See LFLR 6 for Family Law Motions Calendar Procedures. Agreed orders and orders to show cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk’s office.

(c) Where to Schedule Specific Types of Motions; Exceptions to General Rule [LFLR 5(b)]. The following specific types of Family Law Motions are to be scheduled as follows:

(1) Entry of Agreed and Default Final Decrees Parenting Plans and Custody Orders: Uncontested final Decrees of Marriage Dissolution and Legal Separation as well as all Final Parenting Plans or Residential Schedules and Final Dissolution of Domestic Partnership Orders shall be presented to the Ex Parte and Probate Department by noting the motion on the uncontested dissolution calendar on at least fourteen (14) days’ notice, provided that, the matter need not be noted for hearing when presented by an attorney of record, who as an officer of the court, has signed and filed a certificate of compliance in the form prescribed by the court. At least one party shall appear to provide oral testimony or formal proof with respect to entry of a final decree of dissolution or legal separation unless a final parenting plan with respect to all dependent children of the relationship has already been entered or there are no dependent

children of the relationship and the final proposed orders are presented by an attorney, in which case the final orders may be presented through the Clerk's Office pursuant to LCR 40.1 and shall be accompanied by the certificate of compliance as well as a declaration under penalty of perjury signed by one of the parties within the last 30 days stating that the wife is not pregnant and there are no dependent children of the relationship. The declaration shall be in substantially the same form as set forth in Appendix 1 and shall be available online at www.kingcounty.gov/courts/clerk. All final non-parental custody orders entered by agreement or default shall be presented on the uncontested dissolution calendar on at least 14 days' notice, whether or not the parties are represented by counsel, provided that they may also be presented at the time of the Mandatory Case Review hearing (as set forth in the Case Schedule).

The presentation for entry of any parenting plan that provides for an even division of residential time between the two parents shall be accompanied by a separate declaration of one of the parties or attorneys directing the reviewing court's attention to a provision in the parenting plan governing a parent's request to relocate with a child.

Comment: On its face, RCW 26.09.405 - .550, the Parental Relocation statute, does not appear to apply to parenting plans where no parent has a majority of residential time with the children. Parties agreeing to an even split of residential time need to specify in their plan what law will govern a relocation dispute. If the parties choose to have the relocation statute apply, the 11 factors in RCW 26.09.520 will be applied without any presumption. If the parties choose to have the modification statute apply, the moving party will have to meet the threshold requirements of RCW 26.09.260 to move with a child.

APPENDIX I- Model Form Declaration in lieu of Formal Proof for Decree of Dissolution, Invalidity or Legal Separation

SUPERIOR COURT OF WASHINGTON COUNTY OF KING

In Re the Marriage of:

_____, NO.
Petitioner,

And DECLARATION IN LIEU OF FORMAL PROOF
_____,
Respondent.

REQUEST: The [] petitioner [] respondent requests immediate entry of Findings of Fact, Conclusions of Law and Decree without the necessity of a personal appearance, and states:

RESIDENCE: Either the petitioner or respondent was a resident of the State of Washington or was a member of the Armed Forces and was stationed in the State of Washington when the petition was filed.

90 DAY WAITING PERIOD: If this is a dissolution of marriage, the marriage is now irretrievably broken and more than 90 days have elapsed since the later of _____,

20____, the date on which the Petition was filed, and _____, 20____, the date:

- ☐ the respondent signed an acceptance of service.
- ☐ the summons and petition were personally served upon the respondent.
- ☐ the summons and petition were mailed pursuant to an order for service by mail.
- ☐ the summons was first published pursuant to an order for service by publication.

DEFAULT: The respondent is _____ is not _____ in default.

MARRIAGE: The parties were married on _____ 20____, at [city, state] _____ and separated on _____, 20____.

PREGNANCY: The wife is not now pregnant.

CHILDREN: The following children have been born to or adopted by either party:

Name	Date of Birth	Father of child	Mother of child
------	---------------	-----------------	-----------------

DEPENDENT CHILDREN: [SELECT ONE]:

- ☐ A final parenting plan has been entered for all dependent children of the marriage.
- ☐ There are no children under the age of 18 years of age born to or adopted by the wife or who are otherwise dependent upon the wife, or, all such children were born before the marriage and have not been adjudicated or acknowledged to be the husband's child.

AND 50-50 PARENTING PLANS:

☐ For equal time shared parenting plans, parties have signed and submitted an agreed designation for the application of either the Relocation Statute or the Modification Statute to govern either party's future relocation.

PROPERTY: All property and all debts of the parties are fairly and completely divided in the Decree.

DEFAULT: If entry of the Decree is sought after default of the Respondent, the Decree provides for only that relief requested in the petition.

PERJURY: I declare under penalty of perjury under the laws of the State of Washington that this foregoing is true and correct.

Dated: _____, 20____.

[Signed] _____ at _____, Washington

Presented by: [Signed] _____

Bar Number: _____

Approved, notice of presentation waived:

[Signed] _____

(2) Support Modification Calendar: Pre-trial Motions related to the support modification calendar shall be brought as set forth in LFLR 14.

(3) Motions to be scheduled before judges: Motions scheduled before judges shall be brought using the timelines required by the applicable civil and local rules, including but not limited to CR 12, CR 56, and LCR 7. Unless otherwise required, motions scheduled before judges shall be heard on at least six (6) court days' notice and without oral argument unless otherwise directed by the court or by court rule. The following motions shall be scheduled before the assigned judge, or if there is no assigned judge, by the ~~Chief Civil Judge or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge:

(A) Motions to seal a file or a document within a file, even if agreed;

(B) Motions to change the trial date, or a deadline in the case schedule;

(C) Motions for summary judgment, except for summary judgment motions in paternity actions which shall be heard on the family law motions calendar;

(D) Motions to resolve which court shall exercise jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 26.27 RCW);

(E) Motions related to discovery. Motions to obtain discovery, such as to appoint an expert or to require an evaluation of a party, valuation of a business or property, or inspection of property, shall be scheduled on the family law motions calendar. Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge. See LFLR 14 for child support and spousal maintenance modifications and adjustments.

(F) Motions to Enforce a CR2A Agreement.

(G) Motions for Revision of a Commissioner's Order. See LCR 7(b)(8).

(H) Motions to reinstate a case that has been dismissed. If the trial date has passed, the case no longer has an assigned judge; therefore, motions to reinstate the case or vacate the order of dismissal must be brought before the ~~Chief Civil Judge or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge.

(I) Uncontested final decrees of invalidity. Hearings shall be noted with oral argument before the assigned judge or before the judge or commissioner presently assigned to the status/noncompliance calendar. At least one party shall appear to provide oral testimony with respect to entry of a final decree of invalidity.

(J) Motions for Temporary Orders to Restrain or Authorize Relocation of a Child (Objection to Relocation RCW 26.09.510): Hearings shall be noted with oral argument. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge. The moving party shall serve and file all motion documents at least fourteen (14) calendar days before the date of the hearing. Any party opposing the motion shall serve and file all responsive documents no later than noon four (4) court days prior to the hearing time; and documents in strict reply thereto shall be filed and served no later than noon two court days prior to the hearing. Working copies of the motion and all documents in support or opposition shall comply with LCR 7(b)(4)(f).

(4) Motions related to Trials and Appeals: Presentation of final orders related to a trial, motions to reconsider or vacate a judgment or decree entered after trial, and motions relating to the appeal of a final order entered after a motion or a trial (including motions to waive fees for the appeal, to stay the underlying order), shall be noted before the trial judge. If a commissioner entered the final order that is appealed, such motions shall be noted before the ~~Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge. Motions in limine and trial motions shall be brought before the trial judge.

(5) Motions to Vacate Orders.

(A) An agreed order to vacate an order shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office, unless the effect of the order would be to reinstate a case that has been dismissed or where the trial date has passed, in which case the agreed order shall be presented pursuant to LCR 60.

(i) Default Order. The return on the order to show cause to set aside a default order shall be as follows:

(a) Case originally assigned to a judge who has not been assigned (transferred) to a new case designation area or to juvenile court. The order to show cause shall be returned to the judge to whom the case had been originally assigned, regardless of which judicial officer signed the order of default.

(b) Case originally assigned to a judge who has left the court or who has transferred to a court facility other than that reflected in the case designation. The order to show cause shall be returned to the ~~Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, according to the designation of the case or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge.

(c) Case not assigned to a judge. The order to show cause shall be returned to the department that entered the default order provided the relief requested does not impact the case schedule, in which case the order to show cause shall be returned to the ~~Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, according to the designation of the case or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge.

(ii) Order or decree following trial. The return on the order to show cause to set aside an order or decree following trial shall be before the judge who presided over the trial. If that judge has left the court, the return on the order to show cause shall be before the ~~Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, depending upon the designation of the case or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge.

(iii) Where the relief sought includes the setting of a new trial date, a motion to re-set trial date shall be filed contemporaneously with the motion for relief from the order or decree.

(B) An agreed order to vacate a Clerk's dismissal so that parties may enter final orders shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office.

(C) A motion to vacate an order signed by a judge shall be noted before that judge, unless the original order was entered by agreement or after a default, in which case the motion to vacate shall be noted before the ~~Chief Civil/RJC Judge or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge.

(D) A motion to vacate an order signed by a commissioner shall be noted on the family law motions calendar unless the effect of that motion would be to reinstate a case that has been dismissed. See section (3)(H) above.

(6) Change of Case Assignment Area or Consolidation of Cases: A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the ~~Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court~~ Respective Chief Judge provided that family law commissioners may consolidate a domestic violence protection order proceeding under a family law proceeding.

(7) Motions for Reconsideration. See LCR 59.

(8) Motions for Default Orders and Default Judgments.

(A) When notice is not required, motions for default orders and judgments shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. If notice to an opposing party is required (for example, when an appearance but no answer has been filed), motions for default orders and judgments shall be noted on the family law motions calendar in accordance with LFLR 6.

(B) Appearance by Responding Parties without Filing a Response. If a party has appeared in the proceeding, but not filed a Response to the Petition, any other party may move for an Order of Default on the Family Law Motion Calendar, to be presented without oral argument through the Clerk's office. Upon entry of the Order of Default, the evidence may be reviewed and a default judgment (including an order setting support) may be entered in the Ex Parte and Probate Department.

(9) **Orders Shortening Time.** Motions for Orders Shortening Time shall be heard in accordance with LCR 7 except that the motion shall be heard by the same judicial officer or calendar that is assigned under these rules to hear the substantive motion.

(10) **Writs of Habeas Corpus.** Application for Writs of Habeas Corpus Relating to Minor Children shall be presented to and returnable to the judge of the Unified Family Court Department currently assigned to the Status/Noncompliance calendar at the Maleng Regional Justice Center (MRJC) in Kent or, in the event of his or her absence, to the most senior judge assigned to the Unified Family Court Department at the MRJC. Contact the office of Court Operations at the MRJC (206-477-2600) to find out which judge is handling Habeas Corpus matters relating to minor children.

LFLR 6. FAMILY LAW MOTIONS CALENDAR PROCEDURES

(a) **Applicability.** This rule applies to the family law motions calendar only and does not apply to motions before judges.

(b) **Notice and Hearing.**

(1) ~~Note for Motion Calendar~~ Notice of Court Date forms are required and may be obtained from the Clerk's Office or by accessing www.kingcounty.gov/courts/clerk. Times and days for scheduling specific types of motions may also be obtained by calling 206-296-9300. See also LFLR 2.

(2) The original of the motion together with all supporting documents (including briefs, affidavits and/or declarations pursuant to RCW 9A.72.085) must be filed with the Clerk and copies served on all parties at least fourteen (14) calendar days before the date of the hearing. Response documents including briefs, if any, must be filed with the Clerk and copies served on all parties no later than noon four (4) court days prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no later than noon two (2) court days prior to the hearing.

(3) An additional working copy of all documents shall be submitted to the Family Law Motions Coordinator no later than noon three (3) court days prior to the hearing, except that documents in strict reply may be submitted by noon two (2) court days prior to the hearing. For any motion which requests the modification, adjustment, clarification, enforcement (including contempt), reconsideration or vacation of an earlier order, the working copies shall include a copy of the earlier order. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(c) **Confirmations.**

(1) The moving party shall confirm the motion (including motions for presentation of orders), with the Family Law Confirmations Coordinator in person, by telephone or on the King

County Superior Court website for Family Law Motions Confirmation Online. Confirmations by phone or in person must be done by either A) three (3) court days prior to the hearing between 2:30 and 4:15 PM or B) two (2) court days before the hearing between 8:30 AM and 12:00 noon. Confirmations via the King County Superior Court website can be done anytime between 12:01 PM three (3) court days prior to the hearing until 12:00 noon two (2) court days before the hearing. The phone number to confirm Seattle case assignment area cases is 206-477-1523. The phone number to confirm Kent case assignment area cases is 206-477-2750. If not timely confirmed, the motion will be stricken and all working papers destroyed.

(2) Motions cannot be confirmed in person, by telephone or via the website unless the moving party's working copies have been received by the Family Law Department.

(d) Agreed Continuances. The parties may agree to continue a hearing only once on the family law motions calendar, and only prior to the end of the confirmation period, as follows:

(1) The parties may continue the motion to any court day that is at least five (5) court days after the scheduled hearing date. The moving party must notify the Family Law Motions Coordinator of the new agreed hearing date by telephone within the confirmation period set forth in LFLR 6(c) above. If agreement to continue the hearing is reached during the confirmation period, the motion must first be confirmed. Continuances cannot be requested through the King County Superior Court website.

(2) The moving party must re-confirm the motion for the new hearing date in accordance with LFLR 6(c) above. Confirmation may be done through the King County Superior Court website.

(3) A request for a continuance after the expiration of the confirmation period set forth in LFLR 6(c) above must be brought before the commissioner at the original confirmed hearing date and time and will ordinarily not be granted.

(e) Limitations on Declarations.

(1) Application. This section (e) of this rule does not apply to domestic violence petitions or domestic violence motions.

(2) Children's statements. Declarations by minors are disfavored.

(3) Formats:

(A) All motions shall follow LCR 7 and LCR 10 to the extent they are not inconsistent with this rule, and use the forms required by LFLR 3.

(B) All filed documents and copies provided as working copies and served on other parties and attorneys shall be legible. If typed or computer printed, documents shall be in 12 point or larger type, double-spaced between the lines.

(4) Basis. Evidence, including written evidence in affidavits and declarations by the parties and lay witnesses, must comply with the rules of evidence. The rules of evidence provide that they need not be applied in domestic violence and anti-harassment protection order proceedings. See Rules of Evidence (ER) 1101(c) (4).

(5) Page limits.

(A) Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions (except financial declarations), including any reply, shall be limited to a sum total of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of twenty (20) pages.

(B) Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

(C) Financial Declarations. Financial Declarations and financial documents, as specified in LFLR 10, do not count toward the page limit.

(D) Expert Reports and Evaluations. Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Family Court Services (FCS) and expert witnesses

do not count toward the page limit.

(E) Miscellaneous Exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit. Deposition excerpts shall not count toward the page limit.

(6) See LCR 7 for format and page word limits on motions, opposition papers, briefs and memorandum of authorities.

(f) Time for Argument.

(1) Each side is allowed five (5) minutes for oral argument, including rebuttal, unless otherwise authorized by the court.

(2) By written stipulation of all parties, any motion except a motion for contempt may be set without oral argument.

(A) Motions heard without oral argument shall be set for a specific date and are subject to the same requirements (including confirmation) as other motions.

(B) Each party shall provide working copies including a proposed order(s) and shall timely serve the opposing party. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. Parties submitting working copies in paper form shall also conspicuously include the words "Without Oral Argument" in the upper right corner of each document and the moving party shall provide stamped envelopes addressed to each party/counsel.

(C) The commissioner may order the parties to appear for argument.

(g) Special Settings.

(1) Additional time for argument. A request for a special setting for oral argument that will require more than five minutes per side, or for other special settings shall be made in writing addressed to the Family Law Motions Coordinator.

(A) The request should state the extraordinary features of the case and explain why additional time for oral argument is needed. The request should state the length of time requested, and whether the other parties agree with the request. The written request shall include working copies of the motion and supporting documents, and all responses received.

(B) The written request shall be filed with the Clerk and working copies shall be submitted to the Family Law Coordinator, and served on all other parties at least six (6) court days prior to the scheduled hearing date. Any response to the request shall be similarly filed and delivered to the Coordinator and other parties by noon at least two (2) court days prior to the scheduled hearing date. Replies are not permitted. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(C) An order granting the request cannot be entered by stipulation or agreement.

(D) No other motion may be joined with a request for additional time.

(E) If granted, the Court will set the date and time for additional time for argument on the Family Law Motions Calendar.

(2) Motions to Permit Live Testimony at a Hearing. Except for domestic violence protection order proceedings, a party seeking to present live testimony at a hearing must file a request in writing in the same manner as a request for additional time for argument (in LFLR 6(g)(1) above).

(A) An order Permitting Testimony cannot be entered by stipulation.

(B) If granted, the court will notify the parties of the hearing date and time.

(h) Order on Hearing. Unless otherwise ordered by the Court, immediately following each hearing, an order reflecting the ruling of the Court shall be presented for signature.