

## 2011 PROPOSED LOCAL RULE CHANGES

### LCR 7. CIVIL MOTIONS

#### **(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 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 <http://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;
- (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" on the upper right corner of 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.

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**(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. 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 e-Filing systemApplication. 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.** A Note for Motion shall be filed with the motion. The Note 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 form is available from the Clerk's Office.

**(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

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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.

**(vi) Page Limits.** The initial motion and opposing memorandum shall not exceed 12 pages without authority of the court; reply memoranda shall not exceed five pages without the authority of the court.

**(C) Form of Proposed Orders; Mailing Envelopes.** The moving party and any party opposing the motion shall attach a proposed order to the working copies of their documents. The original of each proposed order shall be submitted to the hearing judge but shall not be filed with the Clerk. For motions without oral argument for which working copies are submitted in paper form, the moving party shall also provide the court with pre-addressed stamped envelopes addressed to each party/counsel. Envelopes are not necessary when submitting working copies electronically via the Clerk's system.

**(D) Presentation by Mail.** With respect only to those matters that must be presented to the assigned judge, the chief judge of the Regional Justice Center or the Chief Judge of the Unified Family Court Department, parties may present agreed orders and ex parte orders based upon the record in the file by mail, addressed to the court. When signed, the judge/commissioner will file such order with the Clerk. For agreed orders presented in paper form, an addressed stamped envelope shall be provided for return of any conformed materials.

**(6) Motions to Reconsider.** See LCR 59.

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

**(8) Motions for Revision of a Commissioner's Order.** For all cases except juvenile and mental illness 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 identify the error claimed.

(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 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 Judge.

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(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 Chief Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the assigned judge or Chief Judge working copies of the motion, notice of 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

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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, to the specifically assigned calendar or if not assigned by the Seattle Chief Civil Judge for civil cases with a Seattle designation and to the Chief Judge in Kent for civil cases with a Kent designation, the Chief Unified Family Court Judge for family law cases with children. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; June 1, 2009, September 1, 2011.]

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### LCR 26. Discovery, Including Disclosure of Possible Lay and Expert Witnesses and Scope of Protective Orders.

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

(b) Disclosure of Primary Witnesses. Required Disclosures. Discovery Limits.

~~(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's 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) Exclusion of Testimony.~~ Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(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.

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(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(d). 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 and cannot be submitted as part of a protective order. When the court has entered an order permitting

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a document to be filed under seal, the filing party must comply with the requirements of LCR 79(d)(6) and (7), GR 15.

(d) Reserved

(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.

(f) Reserved

(g) Reserved

(h) Reserved

(i) Reserved

(j) Reserved

(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's relevant knowledge.

(C) **Experts.** A certification that the expert has been retained and has reviewed materials, ~~a summary of the expert's opinions, and the basis thereoffore, and~~ a brief description of the expert's qualifications, and that the expert has undertaken that as of the time of the written designation, he or she is prepared to testify to those opinions.

(4) **Exclusion of Testimony.** Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

Comment: See ~~LCR 77-LGR 15~~ and LFLR 11 for procedures relevant to motions to seal.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 2001; September 1, 2003; September 1, 2005, September 1, 2007; September 1, 2008; September 1, 2010, ~~September 1, 2011.~~]

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### 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.

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### LCR 41. DISMISSAL OF ACTIONS

#### (b) *Involuntary Dismissal.*

##### (2) Dismissal on Clerk's Motion.

~~(A) Failure to Appear for Trial. If the court has not been previously notified that the trial is no longer necessary, an order of dismissal will be entered on the date the trial is to be commenced. If the court has been notified that the trial is no longer necessary and the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LCR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.~~

~~(AB)~~ Failure to File Final Order on Settlement. If an order disposing of all claims against all parties is not entered within 45 days after a written notice of settlement is filed, and if a certificate of settlement without dismissal is not filed as provided in section (e)(3) below, the clerk shall notify the parties that the case will be dismissed by the court. If a party makes a written application to the court within 14 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case may be continued for an additional 45 days or for such period of time as the court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal.

~~(BE)~~ Failure to File Judgment or Appeal Following an Arbitration Award. At least 45 days after an arbitration award, the Court may, upon notice to parties, enter an order of dismissal without prejudice for failure to file a judgment or appeal following an arbitration award.

~~(CD)~~ Lack of Action of Record. The Court may enter an order of dismissal without prejudice for failure to take action of record during the 12 months just past. The Clerk shall issue notice to the attorneys of record that such case will be dismissed by the Court unless within 45 days following such issuance a status report is filed with the Court indicating the reason for inactivity and projecting future actions and a case completion date. If such status report is not received or if the status is disapproved by the court, the case shall be dismissed without prejudice.

~~(D) Failure to Return from Stay. If after 90 days beyond the review date no renewing stay order has been filed and there are no future hearing dates, the case shall be dismissed by the court for want of prosecution upon further notice to the parties.~~

(c) **Dismissal of Counterclaim, Cross-Claim, or Third Party Claim.** No local rule.

(d) **Costs of Previously Dismissed Action.** No local rule.

(e) **Notice of Settlements.**

(1) Advising the Court of Settlement. After any settlement that fully resolves all claims against all parties, the parties shall, within five days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. If the case is assigned to an individual Judge and such written notice cannot be filed with the Clerk before the trial date,

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the assigned Judge shall be notified of the settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice or certificate of settlement within five days.

(2) Notice of Settlement with Prompt Dismissal. If the action is to be dismissed within 45 days, the notice of settlement shall be in substantially the following form:

### NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the Court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LCR 41(e)(3), the case may be dismissed on the Clerk's motion pursuant to LCR 41(b)(2)(B).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
WSBA No.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
WSBA No.

(Signatures by attorneys on behalf of all parties.)

(3) Settlement With Delayed Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to delay dismissal beyond the period set forth in section (e)(2) above, the parties may file a certificate of settlement without dismissal in substantially the following form (or as amended by the Court):

### CERTIFICATE OF SETTLEMENT WITHOUT DISMISSAL

#### I. BASIS

- 1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rule 41(e), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

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**II. CERTIFICATE**

- 2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.
- 2.2 The original of the settlement agreement is in the custody of: \_\_\_\_\_  
at: \_\_\_\_\_.
- 2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of: \_\_\_\_\_.  
Date: \_\_\_\_\_

**III. SIGNATURES**

\_\_\_\_\_  
Attorney for Plaintiff(s)/Petitioner  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant(s)/Respondent  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney of Plaintiff(s)/Petitioner  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant(s)/Respondent  
WSBA No. \_\_\_\_\_

**IV. NOTICE**

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled trial date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties that the case will be dismissed by the Court for want of prosecution unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed.

[Adopted effective September 1, 1993; amended effective September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2008, September 1, 2011.]

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### Official Comment

1. Notice of Settlement. Subsections (b)(2) and (e)(1) are intended to prevent a case from entering a state of suspended animation after the parties reach a settlement. The rule creates a mechanism for a settled case to be formally closed by judgment or dismissal. A case will not be removed from the trial calendar on the basis of a settlement unless the settlement resolves all claims against all parties.

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### LCR 56. SUMMARY JUDGMENT

#### *(c) Motions and Proceedings*

(1) **Argument.** The court shall decide ~~All~~ summary judgment motions ~~shall be decided~~ after oral argument, unless the parties waive argument. ~~waived by the parties.~~ The assigned judge shall determine the length of oral argument ~~shall be determined by the assigned judge.~~

(2) **Dates of Filing and Hearing.** The deadlines for moving, ~~opposition~~ opposing, and reply documents shall be as set forth in CR 56 and the Order Setting Case Schedule. In all other regards, parties shall file and deliver documents ~~shall be served and filed~~ and the court shall set all hearings ~~shall be set~~ in conformance with ~~the requirements of~~ LCR 7.

(3) **Form of Motion and Opposition Documents.** The parties shall conform ~~All~~ moving, ~~opposition~~ opposing, and ~~rebuttal~~ reply documents ~~shall conform~~ to the requirements of LCR 7(b)(4), except that moving and ~~opposition~~ opposing memoranda ~~may exceed 12 and~~ shall not exceed 24 pages. Reply and rebuttal memoranda shall not exceed five pages without authority of the court.

(4) **Motions to Reconsider.** The parties shall conform ~~All~~ motions to reconsider ~~shall conform~~ to the requirements of CR 59 and LCR 7(b)(5).

(5) **Reopening.** Reopenings ~~shall conform~~ are subject to the requirements of LCR 7(b)(6).

#### (e) Nonconforming Evidence

A party objecting to the admissibility of evidence submitted by an opposing party must state the objection in writing in a responsive pleading, if one is required, or in a separate submission shall only be filed if the objection is to materials filed in the reply. Objections must be filed and delivered to opposing counsel at least one court day before the date for oral argument or submission without argument. Objections to admissibility not made in accordance with this section are deemed waived.

[Note: Judgment upon multiple claims or involving multiple parties, see CR 54(b).]

#### Official Comment

[Amended effective September 1, 2011, Subsection (e) is added to obviate the filing of motions to strike objectionable evidence, to relieve parties of the need to file such motions six days in advance and thus, under LCR 7, to file an accompanying motion to shorten time for a timely consideration of the objection. This rule is intended to clarify local practice and to conform to *Cameron v. Murray*, 151 Wash.App 646,658, 214 P.3d 150 (Div. I, 2009).]

[Amended effective September 1, 1983; September 1, 1984; May 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2004; September 1, 2005; September 1, 2008, September 1, 2011.]

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### LCR 58. ENTRY OF JUDGMENT

(a) *When.*

(1) **Judgments and Orders to Be Filed Forthwith.** Any order, judgment or decree which has been signed by the Court shall not be taken from the Courthouse, but must be filed forthwith by the attorney obtaining it with the Clerk's office or with the Clerk in the courtroom.

(b) *Effective Time.*

(1) **Effective on Filing in Clerk's Office.** Judgments, orders and decrees shall be effective from the time of filing in the Clerk's central office.

(4) **Evaluation and Treatment Orders.** Orders issued pursuant to RCW 71.05.150(2) to detain a person to a designated evaluation and treatment facility for not more than seventy-two-hour evaluation and treatment period, shall be effective immediately from the time of issuance.

~~(e) **Judgment on Promissory Note.** The court will sign no judgment upon a promissory note until the original note has been reviewed by the court.~~

Official Comment:

"The court deleted LCR 58(c) as unnecessary. This issue is addressed by the best evidence rule."

[Amended effective January 22, 2008, September 1, 2011.]

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### LCR 80. COURT REPORTERS ~~&~~ and TRANSCRIPTS

**(-a) Scope of Rule.**

The provisions of this rule ~~shall~~ apply to official court reporters, visiting ~~J~~ judge court reporters, ~~and~~ court reporters *pro tempore* ~~except that Section (e)(3) which shall apply~~ and to anyone who produces an official transcript, for example a transcript used for appellate purposes.

**(b) Reserved.**

**(c) Reserved.**

**(ed) 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.** Oral decisions by the Judge of any department ~~which- that~~ are transcribed for any purpose shall ~~first~~ be submitted to ~~such J the~~ judge for correction prior to delivery of a final copy. The reporter shall also provide the judge with thereof and a final copy shall be furnished to the Judge for his/her file of any transcription.

**(4) Verbatim Report of Proceedings.** All transcription 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 eCourts and the King County Superior Court Clerk.

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

**(ed) 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 ~~of the request~~.

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

## 2011 PROPOSED LOCAL RULE CHANGES

(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 ~~county Clerk.~~ Clerk's office within thirty days after the conclusion of the trial or proceeding unless governed by SPRC 3.

~~(2) **Stenotype Machines; Loose-Leaf Notebooks.** Court reporters using Stenotype machines or loose leaf notebooks shall file their notes in the office of the county Clerk within thirty days after the conclusion of the trial or proceeding.~~

~~(3) **Notebooks.** Court reporters using notebooks shall file their notebooks with the county Clerk within thirty days after the notebooks are filled and the trial last reported therein is completed.~~

~~(4) **Index.** Reporters shall attach and file Aan index, with the numbers and titles of all trials reported, ~~shall be attached to~~ form each set of ~~Stenotype notes, loose leaf notes, and notebook,~~ and filed therewith.~~

~~(5) **Withdrawal of Notes; Return.** After filing the notes, ~~the~~reporters may withdraw them for such time as is necessary to prepare transcripts, by giving a receipt therefore to the ~~county~~Clerk. ~~The Reporters shall return~~ notes ~~shall be returned~~ to the ~~County~~Clerk's office as the transcripts are completed, or on demand of the ~~County~~Clerk.~~

[Amended effective September 1, 1989; September 1, ~~2008.~~2011]

## 2011 PROPOSED LOCAL RULE CHANGES

### KCLRALJ 7.1 BRIEFS

~~(a) *Page limits.* The opening brief of the appellant or petitioner and the brief of the respondent may not exceed twenty four pages. The reply brief may not exceed twelve pages.~~

~~(b) *Motion for overlength brief.* Any party seeking to file an overlength brief shall submit the request by motion to the assigned judge.~~

### KCLRALJ 7.3 FORMAT OF BRIEFS

~~(b) *Motion for overlength brief.* Any party seeking to file an overlength brief shall submit the request by motion to the assigned judge.~~

[The effect of these amendments is to enforce the limits on briefs set forth in RALJ 7.3(b)]

## 2011 PROPOSED LOCAL RULE CHANGES

### LGR 30 MANDATORY ELECTRONIC FILING

#### (b) *Electronic Filing.*

**(5) Electronic Filing Is Mandatory.** Effective July 1, 2009, unless this rule provides otherwise, attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's eE-Filing Application or an electronic service provider that uses the Clerk's eE-Filing Application. ~~Pro-se parties-Non-attorneys~~ are not required to e-file documents.

**(A) Documents That Shall Not Be E-Filed.** Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents of foreign governments under official seal including foreign and out of state adoption documents;
- (iv) Documents presented for filing during a court hearing or trial;
- (v) Documents for filing in an Aggravated Murder case;
- (vi) Administrative Law Review (ALR) Petitions;
- (vii) Interpleader or Surplus Funds Petitions;
- (viii) Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;
- (ix) Affidavits for Writs of Garnishment and Writs of Execution;
- (x) Foreign (out of state) judgments;
- (xi) New cases or fee based documents filed with an Order in Forma Pauperis; and
- (xii) Out of state custody and support registration petitions.

The above-excepted documents must be filed in paper form.

*Comment:* Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

**(B) Documents That May Be E-Filed.** The following documents may be e-filed:

- (i) Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.

~~(ii) Trial by Affidavit Motions—Motions set on the Trial by Affidavit Calendar and supporting documents may be e-filed or filed in paper form. If these documents are filed in paper form, the filing party shall place the words “Filed as Part of a Trial by Affidavit Motion” in the caption of all paper documents filed as part of this exception.~~

- ~~(iii)~~ Answers to Writs of Garnishment
- ~~(iii)~~ Appeals of lower court decisions

**(C) Working Copies for E-Filed Documents.** Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's eE-Filing Application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. must not be

## 2011 PROPOSED LOCAL RULE CHANGES

~~electronically submitted for~~ Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

~~(C) the following documents:~~

~~**Voluminous Documents—Judges’ working** copies of documents 500 pages or more in length shall be submitted in paper form only. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.~~

~~(ii) Trial by Affidavit Motions—Working copies for motions heard on the Trial by Affidavit Calendar shall be submitted in paper form pursuant to LCR 7.~~

**(D) Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words “Exempt from e-filing per waiver filed on (date)” in the caption of all paper documents they file for the duration of the waiver.

**(E) Non-Compliance With This Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4.71.100 for each paper document filed.

[Adopted effective June 1, 2009; September 1, 2010, September 1, 2011.]

## 2011 PROPOSED LOCAL RULE CHANGES

### EMERGENCY RULE –PREVIOUSLY ADOPTED ON FEBRUARY 28, 2011

#### LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(a) *Who May File.* Any person may file a petition alleging dependency.

(b) *Venue.* The petition shall be filed in the county where the juvenile is located or where the juvenile resides.

(c) *Location for court proceedings for dependency actions filed in King County; filing of documents and pleadings and designation of case assignment area.*

(1) All proceedings of any nature shall be conducted in the case assignment area designated on the dependency petition unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

~~(2) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:~~

~~(A) Seattle Case Assignment Area. All of King County except for the areas included in the Kent Case Assignment Area.~~

~~(B) Kent Case Assignment Area. All of the areas of King County using the following postal zip codes: 98001; 98002; 98003; 98010; 98022; 98023; 98025; 98031; 98032; 98038; 98042; 98047; 98048; 98051; 98054; 98055; 98056; 98057; 98058; 98059; 98092; 98146; 98148; 98158; 98166; 98168; 98178; 98188; 98198.~~

~~(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.~~

**(32) Standards for case assignment area designation, and revisions thereof.**

(A) **Location Designated by Party Filing Action.** Initial designations shall be made upon the filing of the petition alleging dependency. Case Assignment Area designations shall not be changed between the time of filing of a dependency petition and the entry of a disposition order except as necessary to correct a mistaken designation, to prevent undue hardship to a party or by the Court on its own motion as required for the just and efficient administration of justice.

(1) For petitions for dependency the case area designation shall be based on the DCFS office filing the petition. area where the child primarily resides or where the child is located at the time of filing, subject to review by the Court, except for children known to be protected by the Indian Child Welfare Act. For cases involving children protected by the Indian Child Welfare Act, the case area designation shall be the Seattle Case Assignment Area.

(a) Seattle Case Assignment Area. All petitions from the Martin Luther King Office and for children known to be protected by the Indian Child Welfare Act.

## 2011 PROPOSED LOCAL RULE CHANGES

(b) Kent Assignment Area. All petitions from the King South, King East, and White Center DCFS office.

(c) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas for petitions filed from the King West and Adoptions and Permanency office and any non-DCFS filed petition as follows:

(i) Seattle Case Assignment Area. All of King County except for the areas included in the Kent Case Assignment Area.

(ii) Kent Case Assignment Area. All of the areas of King County using the following postal zip codes: 98001; 98002; 98003; 98010; 98022; 98023; 98025; 98031; 98032; 98038; 98042; 98047; 98048; 98051; 98054; 98055; 98056; 98057; 98058; 98059; 98092; 98146; 98148; 98158; 98166; 98168; 98178; 98188; 98198.

(iii) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(2) For cases regarding Children in Need of Services and At Risk Youth, the case area designation shall be based on where the custodial parent resides.

**(B) Change of Case Assignment Area Designation.** The Court may order that a juvenile's case assignment area designation change upon the establishment of dependency and the entry of a disposition order based on one of the following reasons: hardship to one of parties; transfer of the case within the supervising agency or to a new agency; a need for judicial continuity of control over the case; transfer is in the best interest of the child; correction of a mistaken designation or for such other reason deemed just and proper by the Court or when required for the just and efficient administration of justice. A case should not be transferred solely to accommodate an attorney.

**(1) Method.** A motion for change of case assignment area designation may be made by any party to the dependency or by the Court on its own motion. Such a motion shall only be made in writing as required by LJuCR 3.10 and shall be titled Motion to Change Case Assignment Area and shall specify the factors for change of case assignment area. A proposed Order to Change Case Assignment Area shall be included with the working papers submitted for the Court. If the motion is agreed to by the parties, the motion shall so state and the proposed order shall include the signatures of the parties. The Order to Change Case Assignment Area shall be filed by the prevailing party. All cases shall proceed in the original case assignment area until the order is

## 2011 PROPOSED LOCAL RULE CHANGES

entered and filed. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

**(C) Improper Designation/Lack of Designation.** The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

**(D) Assignment or Transfer on Court's Motion.** The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

**(E) Venue not affected.** This rule shall not affect whether venue is proper in any Superior Court facility in King County.

**(43) Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents for any dependency proceeding in King County must be electronically filed with the Clerk of the Superior Court using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form at the court facility in the case assignment area of the case. Working copies must be provided for the judge pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

**(45) Inclusion of Case Assignment Area Code.** All pleadings and documents shall contain after the cause number the case assignment designation code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

[Adopted effective January 2, 1994; amended effective October 1, 1996; September 1, 2004; September 1, 2005; June 1, 2009, [April 1, 2011](#).]

## 2011 PROPOSED LOCAL RULE CHANGES

### EMERGENCY RULE PREVIOUSLY ADOPTED ON OCTOBER 27, 2010

#### 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 (RCW chapter 26.50);
- (3) Harassment (RCW chapter 10.14);
- (4) Uniform Reciprocal Enforcement of Support Act (URESAs) and Uniform Interstate Family Support Act (UIFSA);
- (5) Small Claims Appeals;
- (6) Unlawful detainer;
- (7) Foreign judgment;
- (8) Abstract or transcript of judgment;
- (9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
- (10) Civil commitment;
- (11) Proceedings under RCW chapter 10.77;
- (12) Proceedings under RCW chapter 70.96A;
- (13) Proceedings for isolation and quarantine;
- ~~(14) Asbestos cases;~~
- ~~(15) 14~~ Vulnerable adult protection.
- ~~(16) 15~~ Proceedings referred to referee under RCW 4.48. See LCR 53.1.

(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 GR30.2 (d), 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.

## 2011 PROPOSED LOCAL RULE CHANGES

**(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 LR 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.

**(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 Joinder (LCR 4.2(a) for civil cases); or Confirmation of Issues (LFLR 4(c) for dissolution and modification cases); or Confirmation of Completion of Genetic Testing (LFLR 4(d) for paternity cases): .....	F+23
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LMAR 2.1) .....	F+23
Status Conference, if needed (Domestic Relations cases only-see LFLR 4(e)):.....	F+25
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 40(a)(3), 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

## 2011 PROPOSED LOCAL RULE CHANGES

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.

## 2011 PROPOSED LOCAL RULE CHANGES

**(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 CrRLJ 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.

## 2011 PROPOSED LOCAL RULE CHANGES

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.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004; September 1, 2008; June 1, 2009; September 1, 2010, December 1, 2010, March 1, 2011.]

## 2011 PROPOSED LOCAL RULE CHANGES

ADOPTED ON AN EMERGENCY BASIS; EFFECTIVE JANUARY 1, 2011

### LFLR 20. ORIENTATION PROGRAM IN FAMILY LAW MATTERS

**(a) Description and Applicability.** To assist self-represented parties involved in family law matters and improve the efficiency of the court, King County Superior Court Family Court shall conduct an Orientation Program for parties in all cases filed under Chapter 26.09 RCW, including dissolutions of marriage, legal separations and major parenting plan modifications.

**(b) Mandatory Attendance.** In all cases referred to in Section (a) above, all self-represented parties shall successfully complete the Orientation Program within thirty (30) days of filing or service of the summons and petition. Successful completion shall be evidenced by a certificate of attendance filed with the court by Family Court Operations staff. Any party attending the Orientation Program prior to obtaining a King County Superior Court cause number shall be responsible for filing his or her certificate of attendance in the court file when the cause number is obtained.

(1) *Out of County Resident.* A party residing outside of King County shall be excused from attending the Orientation Program if attendance would be a hardship. Such parties are required to review the Orientation Program materials and file a sworn declaration that they have done so.

(2) *Represented Parties.* Attendance at the Orientation Program shall be excused for a party represented by counsel, provided that if the party becomes self-represented before entry of final orders, such party shall attend the orientation seminar, unless waived for good cause.

(3) *Good Cause.* The court may excuse a party from attending the Orientation Program or permit a party to review the materials and file a sworn declaration that he or she has done so as an alternative to in-person attendance, for good cause shown.

(4) *Service.* The petitioner shall serve the Notice of Mandatory Orientation Program on all respondents at the time the Summons and Petition is served. If a joinder to the petition is filed, the petitioner shall provide the Notice of Mandatory Orientation Program to any joining party within seven (7) days of filing of the joinder.

(5) *Special Considerations.* Opposing parties shall not be required to attend the Orientation Program together.

(6) *Renewal.* The court may reinstitute the requirement to attend the Orientation Program at any time in cases where attendance was previously excused.

**(c) Failure to Comply.** Delay, refusal or default by one party does not excuse timely compliance by any other party. The Orientation Registration Form shall be submitted to Family Court Services. *See section (a) above.* Unless attendance at the seminar is excused, any party requesting a hearing, including those parties seeking to enter final orders in the action, and any party responding to a request for hearing, shall attend the Orientation Program prior to obtaining affirmative relief. Attendance at the Orientation Program shall not be required prior to emergency hearings or the issuance of restraining orders. Willful refusal or delay by any party may constitute contempt of court and result in sanctions imposed by the court, including the imposition of monetary terms, default or striking of pleadings.

## 2011 PROPOSED LOCAL RULE CHANGES

**(d) Fee.** Each party attending the Orientation Program, or who has been approved to review the materials in lieu of attendance, shall pay a fee charged by Family Court Operations and approved by the court. The court shall provide the service at no expense for indigent parties.

Adopted effective January 1, 2011