



# **EX PARTE MOTIONS AND HEARINGS MANUAL**

## **I. Court Policy and Rules**

Beginning January 1, 2009, the King County Superior Court Ex Parte and Probate Department adopted a new policy and procedure for the presentation of ex parte matters. Notably, only certain matters will be granted oral argument and the remaining matters must be submitted in writing only, without oral argument, through the Clerk's office. Parties shall refer to [LCR 40.1](#) to determine if their matter must be heard in the Ex Parte and Probate Department. Once determined to be an ex parte matter, parties must then refer to the [Ex Parte Master List](#) online to determine if their matter must be submitted in writing through the Clerk's office (i.e., "Ex Parte via the Clerk") or in person.

### **Electronic Filing and Submission to Ex Parte via the Clerk**

In compliance with [LGR 30](#), most documents filed by attorneys must be filed electronically. If these documents are to be subsequently presented to the Ex Parte and Probate Department via the Clerk, parties may proceed to submit documents for presentation through the Clerk's E-Filing application after filing the intended documents. Parties should remember that they are not allowed to file unsigned orders. These are to be uploaded after filing of the contemplated motion or other documents.

## **II. Ex Parte Master List**

The Ex Parte and Probate Department has compiled a list of all matters presented to the Ex Parte Department for consideration. Within this list, the Department has indicated which items may be heard in person, with oral argument, and which items must be submitted in writing only, without oral argument, through the Clerk's office.

For detailed information on which orders may be presented in person or via the Clerk, please refer to the master list of Ex Parte matters available at the Clerk's Office Ex Parte via the Clerk web site at <http://www.kingcounty.gov/courts/Clerk/ExParte.aspx>. The Clerk's office will follow the Local Rules and this master list to determine if your matter may be heard with or without oral argument.

### **a. Motions for Order to Disburse Funds in a Foreclosure action**

Motions to Disburse Funds from a Deed of Trust Foreclosure action are to be noted as required by statute. Presentation in the Ex Parte and Probate Department is to be by the parties on the date the matter is noted.

### **b. Opening Probate Actions**

Effective April 1, 2009, parties wishing to open a new probate action may present their matters either in person, or via the Clerk.

### **c. Motions on Discovery**

Motions on discovery related matters in cases with an assigned judge, or otherwise directed to a specific calendar (i.e. matters specifically assigned the Chief Civil, or the Trial by Affidavit (Child Support Modifications) Calendar) must be made before the assigned judge or on the specified calendar, noted for hearing as otherwise directed by statute, rule or court order. Motions on discovery related matters in cases not otherwise assigned to a judge or other specified calendar



must be noted for hearing in the Ex Parte and Probate Department, and all parties shall appear in person.

**d. Agreed Orders**

Unless testimony is specifically required by statute, state or local court rule, if a proposed order is stipulated by all parties it may be presented via the Clerk once any required minimum notice period has expired, regardless of the presentation method indicated on the Master List.

**e. Motions for Default**

When presenting Motions for Default, if there has been an appearance either by the party planned to be defaulted, or any other party, the motion is to be noted before the IC Judge. See [CR5](#). If no party has made an appearance, the motion is to be presented to the Ex Parte and Probate Department, via the Clerk. Such motions may not be noted for hearing in the Ex Parte and Probate Department.

If a Motion for Default was noted before an IC Judge because of an appearance, and the judge wishes to refer that matter to the Ex Parte and Probate Department, the court can either have the bailiff return those materials to the parties, or forward them to the Clerk's Office. The parties will be instructed to either submit an appropriate cover sheet or information and payment (if forwarded to the Clerk's Office), or to re-submit to the Clerk's Office with the appropriate information and payment (if returned by the bailiff), and will be instructed to submit an Information Sheet advising the commissioner that this matter has been referred to the Ex Parte and Probate Department by the IC Judge.

**f. Motions to Dismiss**

When presenting Motions to Dismiss, if there are multiple defendants, and if the proposed Dismissal does not dismiss all parties, or is not approved for entry in writing by all parties, the motion is to be noted before the IC Judge. See [CR 5](#). If the Motion to Dismiss would dismiss all parties from the case, the motion is to be presented to the Ex Parte and Probate Department, via the Clerk. Such motions may not be noted for hearing in the Ex Parte and Probate Department.

**III. Procedure**

**a. Ex Parte and Probate Department**

The court file is not reviewed. All supporting document(s) necessary for the Court to decide the issue must be provided, including copies of all documents (e.g., Affidavits of Service) that are referenced in the proposed order or are necessary for the Court's review.

**b. Matters With Oral Argument (in-person presentation)**

The Clerk's office will verify if your matter may be heard in person, with oral argument. If your matter may be presented in person, the Clerk's office will stamp your paperwork. You will then proceed without paying any fee directly to the Ex Parte Department.

- i. The Ex Parte Department will **NOT** hear your matter if you do not have the appropriate stamp from the Clerk's office.



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**Department of Judicial Administration**  
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- ii. Parties are **NOT** required to proceed to the Clerk's office first if their matter was previously set on a specific Ex Parte calendar by court order, Note for Hearing, or citation, or if their matter is required to be noted for hearing on a specific Ex Parte calendar.
- iii. It is the responsibility of the parties to consult the local rules to determine if their matter may be heard on a walk-in basis in the Ex Parte Department or if they must note the hearing on a specific Ex Parte calendar.

**c. Matters Without Oral Argument (Ex Parte via the Clerk)**

If your matter must be submitted in writing only, without oral argument, you must submit your paperwork via the Clerk and pay the applicable fees. Submission methods can be electronic through the eFiling application's eEx Parte via the Clerk process, at the Clerk's counter or by mail to the Seattle Courthouse or Maleng Regional Justice Center Clerk's Office.

i. General Information

- 1. The Clerk will present your order(s) to the Ex Parte Department. The Clerk will deliver orders to the Ex Parte Department at least four (4) times a day.
- 2. An optional Information sheet may be used to call the Court's attention to specific details related to the motion.
- 3. You may indicate the manner in which you would like to receive the return documents/order on the cover sheet accompanying your paperwork or through the electronic submittal process (see below).
  - a. If you indicate that you will pick-up the documents upon a ruling from the Court, you must retrieve the documents within two (2) court days upon notification of the ruling.
  - b. If you are requesting processing of any original documents such as writs or letters of guardianship or testamentary, specific instructions for completion and delivery of these documents must be included on the Clerk's Cover Sheet document or indicated through the electronic submittal process.

ii. Denied Orders

If your order is denied, the Clerk will return a copy of the unsigned order. If the order was denied due to a deficiency in the paperwork, the deficiency will be noted by the Court in a Minute Order. The Clerk will return a copy of the Minute Order, with your submitted papers, for correction. You may then resubmit a corrected order as instructed by the Court.

iii. Other Pending Matters

If you have an upcoming hearing or trial it is your responsibility to notify the Court of any dismissal granted by the Ex Parte Department.



iv. Submission Methods (Ex Parte via the Clerk)

1. **Electronic** (eFiling Application's eEx Parte via the Clerk)

For complete instructions and process information, view the Ex Parte via the Clerk step-by-step process guide available on the [Ex Parte via the Clerk website](#).

2. **By Mail or delivery to the Clerk's Counter** (hard copy / paper)

The following documents are needed for the Clerk to present a matter to the Ex Parte Department in hard copy/paper:

a. Cover Sheets

A Clerk's cover sheet is required and must accompany each motion/order delivered to the Clerk. The Clerk's cover sheet is available on the Clerk's Ex Parte via the Clerk website: [www.kingcounty.gov/courts/Clerk/ExParte](http://www.kingcounty.gov/courts/Clerk/ExParte) and in paper form at the Clerk's office.

b. Original Order(s)

1. Identify an original order by marking as "Original". Make sure to include your case number and area designation. An order is required.
2. You must indicate the "Hearing Date" and "Place for the Hearing" in any order directing the appearance of a party and certify that the time and place was selected pursuant to Local Rule or with the judge's permission.

c. Supporting documents

1. All supporting document(s) necessary for the court to decide the issue must be provided. The Judge or Commissioner will not research the file for documents not included in your submission.
2. Mark original documents "Original" and any copy of a previously filed document "Working Copy." Any document marked "Original" will be filed.

d. Return Copy(ies)

If you wish the Clerk to conform and return a copy of the order to you, provide a copy of the proposed order marked as "Return Copy." The Clerk will conform one copy of an original order and return it only to the sender.

e. Self-Addressed, Stamped Envelope

If you wish the Clerk to return your receipt/copy(ies) you must provide either an envelope of sufficient size and postage for your items or provide a messenger return slip.

f. Check or Money Order for Payment of Services

Checks or money orders must be made payable to "KING COUNTY SUPERIOR COURT CLERK" for the exact amount owed. The Clerk may accept a personal check only if it is imprinted with your name and address and drawn on a bank in



Washington state. Payment is required before your order will be considered.

## IV. Fees

### a. Ex Parte via the Clerk Presentation Fee

A \$30.00 presentation fee is applied to all matters submitted without oral argument to the Ex Parte Department through the Clerk's office (i.e., via the Clerk).

- i. You may submit up to five (5) orders in a single case (must have the same cause number) at one time for a single presentation fee.
- ii. Fees for additional, related services (e.g. certified copies, new *Letters Testamentary*, etc.) are charged in addition to the presentation fee.

### b. Expedited Presentation Fee

A \$30.00 fee, in addition to the \$30.00 Ex Parte via the Clerk presentation fee, is applied to expedited matters. For the expedited fee the Clerk will present your order to the Ex Parte Department within fifteen (15) minutes of receipt. Once the order is signed the Clerk will contact you by the method requested.

### c. Additional fees

Certified Copy	\$5.00 for the 1 <sup>st</sup> page plus \$1.00 for each additional page, per document copied.
Regular Copy	\$0.50 per page.
Form K	\$2.00 per Form K.
Testamentary or Guardianship Letters	\$5.00 each.
Writ	\$20.00 for original and conformed copy; \$2.00 for each additional writ.
Subpoenas	\$20.00 for original and one conformed copy per person or entity; \$2.00 for each additional copy.
Handling & Postage	\$10.00 per submission for Clerk to provide envelope and First Class postage.

### d. Fee Waiver

Parties may apply to the Clerk's office to waive the presentation fee. Parties must complete the waiver form available from the Clerk's office or [website](#). Fee waivers may be granted for a period no longer than six (6) months. If your fee waiver is granted you will be required to include a copy of the approved fee waiver document with each subsequent request.