

#### **IV. LOCAL CIVIL RULES (LCR)**

##### **Local Civil Rule 1.1**

##### **NOTICE REQUIRED IN SHOW CAUSE HEARINGS FOR CONTEMPT**

- A. Necessary Provision in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt.** In all supplemental proceedings wherein, an order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order must include the following words in capital letters, “YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE, AND PLACE THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.” No bench warrant will be issued in such cases for the arrest of the cited person if such language has been omitted.

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##### **Local Civil Rule 7**

##### **BRIEFS AND MOTIONS**

**A. All Adult Matters, Except Domestic, Juvenile, and Adult Criminal Matters.**

1. *Timelines.* The following timelines apply for the filing and service of any Motion and/or supporting briefs or other materials in any case type for all adult matters except domestic, juvenile and adult criminal matters, unless otherwise specified differently herein, by statute, court order, or by general Court Rule (e.g., CR 56 motions, writs, Motions for Injunction, unlawful detainer matters, protection orders, or Motions for Immediate Restraining Orders):
  - a. For all motions and supporting materials, not less than eleven (11) calendar days prior to the hearing on the issue;
  - b. For all responsive briefs and materials, not less than four (4) calendar days prior to the hearing;
  - c. For any reply or strict reply by the moving party, not less than two (2) calendar days prior to the hearing.
2. *Length of Hearing.* For all civil dockets, parties shall designate their motion as an “under 10” or “over 10” depending on the length, in minutes, that the motion is expected to take. This designation shall be on the Note for Docket.

**B. Domestic/Family Law Matters.**

1. *Timelines.* The following timelines apply for the filing and service of any Motion and/or supporting briefs or other materials in any domestic matter, unless otherwise specified differently herein, by statute, court order, or by general Court Rule. (e.g., protection orders or Motions for Immediate Restraining Orders):
  - a. For all motions and supporting materials, not less than twenty-one (21) calendar days prior to the hearing on the issue;
  - b. For all responsive briefs and materials, not less than eleven (11) calendar days prior to the hearing;
  - c. For any reply or strict reply by the moving party, not less than five (5) calendar days prior to the hearing.
2. *Length of Hearing.* For all domestic dockets, parties shall designate their motion as an “under 10” or “over 10” depending on the length, in minutes, that the motion is expected to take. This designation shall be on the Note for Docket.

**C. Motion to Shorten Time.** Requirements for Motions to Shorten Time.

1. *Declaration/Affidavit Language.* All motions to shorten time must be in writing and supported by a separate declaration or affidavit that:
  - a. Sets forth the exigent circumstances or other compelling reasons requiring a hearing on shortened time, including all relevant facts establishing good cause and the specific harm likely to occur with regular notice.
  - b. Demonstrates the moving party’s due diligence in providing or attempting to provide notice to all other parties.
  - c. If, despite due diligence, a party has been unable to provide notice, the judicial officer may, in their discretion, proceed with the motion.
2. *Presentation on the Ex Parte Docket.* Motions to shorten time must be presented on the ex parte docket no fewer than forty-eight (48) hours before the scheduled hearing, special set, or trial to which the request relates.
3. *Notice Required Once Time is Shortened.* If the court grants the motion, the judicial officer shall specify in the Order Shortening Time the minimum notice that must be provided to the responding party. Except in extraordinary circumstances established in the supporting declaration or affidavit, this notice shall not be less than forty-eight (48) hours.
4. *Contents of Notice.* When notice is required under an Order Shortening Time, it must include:
  - a. the specific date and time the order shortening time will be heard;
  - b. a copy of pleadings to be filed and proposed orders to be sought;
  - c. an averment by the movant that either the matter cannot be temporarily resolved pending a regularly set hearing or that the parties attempted to reach a temporary resolution and are at an impasse.

5. *Court Discretion.* The court may deny or grant the motion and impose such conditions as the court deems reasonable (including setting a briefing schedule).

**D. Civil Pleadings.** Memorandum of Authorities and Affidavits Required.

1. *Moving Party/Parties.* The moving party shall serve and file, with his or her motion, a brief written statement of the motion and a brief memorandum containing reasons and citations of the authorities on which he or she relies. If the motion requires the consideration of facts not appearing of record, he or she shall also serve and file copies of all affidavits and photographic or other documentary evidence he or she intends to present in support of the motion. If the motion relies on facts in documents of record, the motion shall identify the document(s) and the date of filing of each document so identified. The motion shall be contained in a separate document from the Note for Docket addressed hereinbelow. Bench copies shall be submitted as provided in Local Management Rule 2.
2. *Counsel Fees.* Appointed counsel submitting motions for fixing or payment of fees and counsel requesting that the Court fix fees in any other case (except for temporary fees in domestic relation cases) should itemize their time, services rendered, or other detailed basis for the fees requested and attach a copy thereof to the motion.
3. *Action Required by Clerk.* All documents filed with the Clerk, other than a note for motion or trial docket which require any action (other than filing) by the Clerk shall contain a motion in the caption specifying the nature of the document the words: "Clerk's Action Required."
4. *Document Format.* Documents prepared for a judicial officer's signature must contain at least two (2) lines of text on the signature page.

**E. Civil Motion Calendar.** Any attorney desiring to bring any issue of law on for hearing shall file with the Clerk and serve on all opposing counsel, not later than eleven (11) calendar days prior to the day on which the attorney desires it to be heard, a note for the motion docket which shall contain the title of the court, the cause number, a brief title of the cause, the date when the same shall be heard, the words "Note for Docket," the name or names of each attorney involved in the matter, the nature of the motion, and by whom made.

1. It shall be subscribed by the attorney filing the same and shall bear the designation of whom the attorney represents. The foregoing provisions shall not prohibit the hearing of written and/or oral emergency motions at the discretion of the Court on any docket.

**F. Over Ten (10) Minutes for Hearing.** If the moving party expects the motion to take more than ten (10) minutes to argue by all sides collectively, the movant shall designate on the Note for Docket that the matter is "over 10 minutes."

**G. Removal of Motion.** If the Note for Docket, the motion and supporting factual materials and memorandum are not served and filed as detailed in any rules, the Court may strike the same from the calendar.

1. *Service of Notice.* The motion will not be heard unless there is proof of service of notice upon the attorney for the opposing party, or the opposing party if proceeding pro se, or there is an admission of service by opposing counsel or the opposing party if proceeding pro se in the file.
2. *Continuance or Striking of Noted Motions by Parties.* A matter noted on the motion docket may be continued pursuant to the following:
  - a. The moving party may strike or continue a motion at any time without cause with adequate notice to the opposing parties. Sanctions may be imposed if the opposing party's appearance at the hearing could have been avoided through due diligence of the moving party.
  - b. Upon a showing of cause, the Court, in its discretion, may grant the non-moving party's request for a continuance.
  - c. The party striking any matter may give notice to the non-moving parties by any means reasonably likely to provide actual notice. The clerk may be notified either by written notice or by e-mail notification.
    - i. Notice to the Franklin County Clerk may be emailed to the following address: [CivilClerk@co.franklin.wa.us](mailto:CivilClerk@co.franklin.wa.us) for civil cases.
    - ii. Notice to the Benton County Clerk may be emailed to the following address: [Clerk@co.benton.wa.us](mailto:Clerk@co.benton.wa.us).
  - d. If the matter is stricken and the moving party desires a hearing, a new Note for Docket must be filed with the Clerk. Except for matters continued in open court, a new note for docket is required for motions that are continued.

- H. Civil Motion Docket.** The causes on the civil docket for each motion day will be called in order, and the moving party, if no one appears in opposition, may take the order moved for upon proper proof of notice, unless the Court shall deem it unauthorized. In order to encourage participation in pro bono legal representation, all motions, where one or both parties are represented by pro bono counsel, shall, at the request of the pro bono attorney, be given priority on the docket. Such priority shall be given without any reference as to the reason why.
- I. Continuances by the Court.** Any motion or hearing may be continued by the Court to a subsequent motion day or set down by the Court for hearing at another specified time, and the Court may alter the order of hearing as may be necessary to expedite the business of court.
- J. Frivolous Motions.** Upon hearing any motion, if the Court is of the opinion that such motion is frivolous, or upon granting a continuance of any matter, terms may be imposed by the Court against the party filing such motion, or against the party at whose instance such continuance is granted.
- K. Decisions Without Oral Argument.** Upon agreement of the parties, or at the Court's discretion, a motion may be determined without oral argument. Matters may be noted for decision without oral argument only on the dates and times established for regular calendars.

The moving party shall certify in the note for docket that every party has consented to determination without oral argument.

- L. Discovery Motions.** The Court will not entertain any Motion or objection with respect to Civil Rules 26, 27, 30, 31, 33, 34, 35 or 36, Civil Rules for Superior Court unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the Court finds that counsel for any party, upon whom a Motion for an objection with respect to matters covered by such rules is served, willfully refused to meet and confer, or having met, willfully refused or fails to confer in good faith, the Court may take appropriate action to encourage future good faith compliance. In the event of an emergency, the Court will entertain Motion objections which would otherwise be required by the above rules.

*[Adopted Effective September 1, 2026]*

### **Local Civil Rule 16 PRETRIAL PROCEDURE**

- A. Amending Case Schedule Orders and Trial Notices.** This rule applies to Civil, Domestic, Paternity and Guardianship cases.

1. *General Requirements.* The Court may modify or amend a Case Schedule, or continue a trial, for good cause on motion of a party, by stipulation of all parties, or on the Court's own motion.
2. *Requirement for Certificate of Judicial Assistant's Pre-Approved Dates.* A Judicial Assistant's Certificate of Pre-Approved Dates is required for:
  - a. Any motion or stipulation to amend the Case Schedule; and
  - b. Any request to continue trial, even when an amendment of the Case Schedule order is not required.
  - c. Parties must obtain the Certificate before filing any motion or stipulation requesting a modification.
  - d. The Certificate expires thirty (30) days after the Judicial Assistant's signature, unless otherwise indicated on the form.
3. *Procedure for Requesting Dates.*
  - a. Before contacting the Judicial Assistant, the party seeking a modification shall confer with all other parties to determine whether agreement exists.
  - b. After conferring, the requesting party shall contact the Judicial Assistant to obtain available dates for settlement conference, pretrial conference, trial, or any Case Schedule modifications.
  - c. Once dates are provided, the Judicial Assistant will issue the Certificate of Judicial Assistant's Pre-Approved Dates.

4. *Presenting the Motion or Stipulation.* After obtaining the Certificate, the party seeking modification shall:
  - a. File and serve a motion or stipulation to modify, supporting declaration, and certificate.
  - b. The Motion shall be noted on the appropriate docket or, if stipulated, presented at ex parte.
  - c. The Certificate shall be attached to the Motion or Declaration.
  - d. A copy of all orders continuing trial or amending the Case Schedule Order shall be provided to the Judicial Assistant within three (3) days of entry.

*[Adopted Effective September 1, 2026]*

**B. Settlement Conferences.** In all cases governed by a Civil Case Schedule Order, the Court shall schedule a settlement conference.

1. *Preparation for Conference*

- a. No later than the date listed on the civil case schedule order for submission of the Settlement Position Statement, all parties shall prepare a settlement position statement which shall be submitted to the Court via eMotion or hard copies delivered to the Court Administration office. Settlement position statements shall not be filed in the court file. No party shall be required to provide a copy of the position statement to any other party, but may provide a copy if so desired. The position statement shall include the following:
  - b. A brief non-argumentative summary of the case;
  - c. A statement of whether liability is admitted, and if not, the plaintiff's theory or theories of liability and the defendant's theory or theories on non-liability;
  - d. A list of all items of special damages claimed by the plaintiff and a statement of whether any or all of those are admitted by the defendant;
  - e. An explanation of the general damages, including a summary of the nature and extent of any claimed disability or impairment; and
  - f. A statement of what settlement offers have been made thus far, if any.
  - g. The position statement is to be a summary only and shall not exceed five (5) pages. The summary should take the form of a letter.
2. *Parties to Be Available.* The parties and counsel shall attend the settlement conference in person unless they have been given prior permission to attend by Webex or telephone. Information on how to seek permission to attend by Webex or telephone is found on the Court's Website.
3. *Representative of Insurer and Guardians ad Litem.* Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference, but a representative of the insurer of said parties shall be available by telephone or in person with sufficient authority to bind the insurer to a settlement.
4. *Guardian ad Litem.* Guardian ad Litem shall be available by telephone or appear in person.

5. *Proceedings Privileged.* Settlement conferences shall be privileged and not reported or recorded. No party shall be bound to any agreement(s) unless a settlement is reached. When a settlement has been reached, the judicial officer may in his/her discretion order the settlement agreement in whole, or, in case of a partial agreement, then the terms thereof, to be reported or recorded.
6. *Judicial officer disqualified for trial.* The Judicial officer presiding over a settlement conference shall be disqualified from acting as the trial judicial officer in that matter, as well as any subsequent summary judgment motions, unless all parties agree otherwise in writing.
7. *Notice of Settlement.* If a matter is settled outside of court and a settlement conference is no longer needed, parties are required to notify the Civil Judicial Assistant of settlement of the matter at least five (5) days prior to their settlement conference date so that the settlement conference can be stricken, and a Notice of Settlement must be filed at least five (5) days prior to the settlement conference. The pretrial conference is still required per LCR 16(C)(4).

### **C. Pretrial Procedure.**

1. *Private Mediation.* Regardless of whether mediation is court-ordered, parties may seek an order allowing them to opt out of the settlement conference by filing a stipulation and order with Court Administration. The request must include a letter from a mediator and signed on behalf of all parties that the case has been mediated or that mediation has been scheduled to occur on or before the date of the settlement conference.
2. *Continuances.* Continuances of settlement conferences may be authorized only by the Court on timely application.
3. *Pretrial Power of Court.* If the case is not settled at a settlement conference, the judicial officer may nevertheless make such orders as are appropriate in a pretrial conference.
4. *Pretrial Conference Hearing/Trial Exhibits.* In cases that are governed by a Case Schedule, the Court shall schedule a Pretrial Conference Hearing, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is not represented by an attorney. The parties must jointly prepare a Trial Management Report.
5. *Trial Management Report.* In cases governed by a Civil Case Schedule Order, the parties must jointly prepare a Trial Management Report. The plaintiff shall prepare an initial report and serve it upon all opposing parties no later than two weeks prior to the date it is due under the Civil Case Schedule Order. The Report shall be filed with the Court and uploaded to eMotion.
6. *The Report shall contain:*
  - a. Nature and brief, non-argumentative summary of the case;
  - b. List of issues that are not in dispute;
  - c. List of issues that are disputed;
  - d. Index of exhibits (excluding rebuttal or impeachment exhibits);
  - e. List of plaintiff's requests for Washington Pattern Jury Instructions;
  - f. List of defendant's requests for Washington Pattern Jury Instructions;
  - g. List of names of all lay and expert witnesses, excluding rebuttal witnesses;

- h. Suggestions by either party for shortening the trial.
- 7. *Confirmation in Completing Report.* The attorneys for all parties in the case shall confer in completing the Trial Management Report. If any party fails to cooperate in completing the report, any other party may file and serve the report and note the refusal to cooperate.
- 8. *Form of Trial Management Report.* A trial management report will be in generally the following form as prescribed by the court.

**D. Pre-Assignment of Judicial Officers.** Judicial officers will be pre-assigned to cases only upon entry of a court order, upon a showing of good cause, and in the order listed on the rotation maintained by the Court Administration office.

- 1. *Pre-Assigned Case Request Procedure.*
  - a. All requests for pre assignment must be presented to the Presiding Judge or Assistant Presiding Judge by written Motion.
  - b. A copy of the Motion shall be emailed to: [SpecialSets@co.benton.wa.us](mailto:SpecialSets@co.benton.wa.us)
  - c. Requests for pre assignment will not be heard on ex parte or regular court dockets.
  - d. The Court's decision regarding a request for pre assignment will be communicated to the requesting party by administrative staff.
- 2. *Bench Copies and Proposed Orders.* Whether the case is assigned to a Benton/Franklin Counties Superior Court judicial officer or an out of county Superior Court judicial officer, all bench copies and proposed orders must be uploaded through eMotion unless otherwise ordered by the preassigned judicial officer.
- 3. *Ex Parte Orders in Pre-Assigned Cases.* All orders in a pre-assigned case must be signed by the pre-assigned judicial officer.
- 4. *Out-of-County.* For out of county pre-assigned cases, ex parte motions and proposed orders must be uploaded to eMotion and immediately emailed to : [specialsets@co.benton.wa.us](mailto:specialsets@co.benton.wa.us). Indicate urgency in the email subject line when applicable.
- 5. *Out-of-County Communication.* All communication regarding out of county pre-assigned cases shall occur through the Benton Franklin Counties Superior Court Administration office. Parties shall not email, call, or visit the out of county judicial officer directly, unless specifically instructed to do so by the judicial officer.
- 6. *Hearing Requests.* To request a hearing in a pre-assigned case, parties shall follow LMR 6(D)(1) and (4).

**E. Trial Priority/Readiness Docket.** The trial priority/readiness rules apply to Criminal, Domestic, Civil (including Administration Law Review), and Minor/Adult Guardianship matters.

- 1. *Docket.* Trial Readiness/Priority Docket is scheduled on Mondays (9:00 am in Benton County and 3:00 pm in Franklin). These dates/times may be adjusted for court

operations or holidays. Cases will generally be called in the following order: Criminal, Domestic, Guardianship, and Civil.

2. *Appearance*. All counsel and all self-represented parties must appear, either in person or via WebEx, and be ready to proceed at the start of the docket.
3. *Status Hearing Form*. Each attorney and each self-represented party must file and upload (to eMotion) a Trial Priority/Readiness Status Hearing Form.
  - a. The form must be submitted by the Wednesday preceding the Monday docket, in both counties.
4. *Notice of Hearing for Trial Priority/Readiness*. Trial Priority/Readiness Trial form remains required.
  - a. For criminal matters, notice is given in court.
  - b. For domestic matters, written notice will be provided to the parties following settlement/pretrial conference if the matter does not resolve.
  - c. For civil matters, written notice will be provided to the parties following pretrial management conference.
  - d. For minor guardianship matters, written notice will be given following the pretrial hearing.
  - e. For adult guardianship matters, written notice will be given after the hearing held pursuant to RCW 11.130.275 when the matter is set for a contested trial, with or without jury.
  - f. For cases not governed by case schedule order (including administrative law reviews), written notice will be given after receipt of certificate of readiness as outlined in LCR 16(F)(2).

**F. Case Schedule.** Except as otherwise provided below or ordered by the Court when an initial pleading is filed when filing a new case, the Superior Court Clerk shall prepare and file a scheduling order (referred to in this rule as a “Case Schedule Order”) and will provide one copy to the party filing the initial pleading.

1. *Initial Filing*. Judicial Assistants will prepare and file any scheduling orders (providing copies to all parties) after the initial filing of a case and initial scheduling order is provided by the clerk.
2. *Cases Not Governed by Civil Case Schedule*. Listed below are the cases not governed by a Civil Case Schedule Order. The clerk will not prepare/file a scheduling order as described above.
  - a. Change of name;  
Proceedings under RCW title 26;  
Harassment (RCW chapter 10.14);  
Proceedings under RCW title 13;  
Unlawful detainer;  
Foreign judgment;  
Abstract or transcript of judgment;

Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;  
Civil commitment;  
Proceedings under RCW chapter 10.77;  
Proceedings under RCW chapter 70.96A;  
Proceedings for isolation and quarantine;  
Injunction;  
Guardianship/Petitions under TEDRA;  
Probate;  
Proceedings under RCW chapter 36.70C (Land Use Petition Act/LUPA);  
Tax Warrants;  
Administrative Law Reviews (Appeals of Administrative Agency Decisions);  
Emancipation of a Minor;  
Minor Settlements;  
Condemnations;  
Petitions for Transfer of Structured Settlements under RCW 19.205;  
Tax Foreclosures;  
Actions brought under the Public Records Act, RCW 42.56.

3. *Request for Schedule Order.* A party may request a Case Schedule from the Court by filing a motion. Any motion should address the time and/or deadlines needed for the Case Schedule. Upon entry, a copy is to be provided to the Civil Judicial Assistant, who will provide the parties with the pre-approved trial dates.
4. *Issuance of Schedule Order.* The Civil Judicial Assistant will then issue a Case Schedule Order in accordance with the selected trial date and the Court's ruling. Any Case Schedule Orders not in the required format shall be provided by the moving party after approval from the court.
5. *Service.* 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 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 (with proof of service).
6. *Joining Party.* 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.
7. *Amendment of Case Schedule.* The rule for amending Case Schedules is outlined in LCR 16(A).
8. *Case Schedule Order Format.* 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 LCR 16(F), based upon relevant factors,

including statutory priorities, resources available to the Court, case filings, and the interests of justice.

9. *Form.* A Case Schedule will generally be in the form as prescribed by the court and available on Benton/Franklin Superior Court Website.
10. *Disclosure of Possible Lay and Expert Witnesses.* 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 believes are reasonably likely to be called at trial.
11. *Disclosure of Rebuttal 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.
12. *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 anticipated subject matter of the witness testimony; and/or
  - c. Experts: A summary of the expert's opinions and the basis therefor and a brief description of the expert's qualifications.
13. *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, including the payment of terms.
14. *Discovery Not Limited:* This does not modify a party's responsibility under court rules to respond to or promptly supplement responses to discovery or otherwise to comply with discovery before the deadlines set here.
15. *Monitoring.* At such times as, the Presiding Judge may direct, the Judicial Assistants will monitor cases to determine compliance with these rules.
  - a. If the Court finds that an attorney or party has failed to comply with the Case Schedule, failed to provide all of the information required in witness disclosures or disclosed witnesses that are not reasonably likely to be called at trial, or has failed to disclose witnesses 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.
  - b. 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.

#### **G. Cases Not Governed by Civil Case Schedule Order.**

1. *Note for Trial Docket.* Any party desiring to bring any issue of fact to trial, except for cases governed by Case Schedule Order, shall file with the Clerk, deliver a copy to the Judicial Assistants and serve upon the other parties or their attorneys a Notice of Trial Setting and Certificate of Readiness which shall contain:
  - a. the title for the court;
  - b. a brief title of the case;
  - c. the case number;
  - d. the nature of the case;
  - e. whether jury or non-jury;
  - f. whether there has been a 12-person jury demand;
  - g. whether a 6-person jury would be acceptable;
  - h. estimated trial time; the name, address, e-mail and telephone number of each attorney assigned to the case;
  - i. whether there should be a pre-trial conference; preferential trial dates or times; and
  - j. anything further that would assist the Court in setting a trial date, and shall be subscribed by the attorney filing the same.
2. *Certification by Filing Party.* An attorney/party noting a case for trial thereby:
  - a. certifies that the case is at issue;
  - b. that there has been a reasonable opportunity for discovery;
  - c. that discovery will be complete by the trial date;
  - d. that necessary witnesses will be available; and
  - e. that to his/her knowledge, no other parties will be served with a summons and no further pleadings will be filed prior to trial.
3. *Confirmation with other Parties.* The attorney/party noting the case for trial shall confer with all other counsel prior to noting the case for trial setting to determine if there is any objection to setting.
4. *No Objections.* If there is no objection, the attorney shall so certify on the notice of setting.
5. *Objections.* If there is an objection and the setting attorney believes the objections to readiness are not justified, the attorney shall so indicate on the setting notice and the matter shall be noted on the civil motion docket to argue the matter of trial setting.
6. *Objections to Dates.* In the event all parties agree the case is ready for trial or will be ready for trial by a specific date, but have objections to particular dates, they shall notify the Judicial Assistants of unavailable dates within five (5) days after receiving the notice of trial setting.

## **H. Assignment of Cases.**

1. *Judicial Assistant to Assign Dates.* The Judicial Assistants shall assign trial dates under the supervision of the Presiding Judge, who shall be in direct charge of the trial

calendar. To the extent practical, cases shall be set chronologically according to the noting date, except for cases having statutory preference.

2. *Jury and Non-Jury Trials.* Upon the serving and filing of a "Notice of Trial Setting and Certificate of Readiness," The Judicial Assistant shall forthwith assign a specific trial date and notify the Clerk and counsel of the date assigned. Cases set for trial shall be set for a pre-trial conference hearing by the Judicial Assistant.
3. *Advancing Trial Dates.* Any case assigned a specific date may, at the discretion of the Presiding Judge, be advanced to an earlier date or may be reset if the court calendar permits. Notice shall be given at least five (5) days prior to the new trial date assigned.

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#### **Local Civil Rule 42 CONSOLIDATION; SEPARATE TRIALS**

- A. Consolidated Cases for Trial Only.** When two or more cases are consolidated for trial only, an original Order to Consolidate, reflecting the cause number to be used as the lead case in which all subsequent documents will be filed, shall be submitted in each case. Consolidated cases shall be presumed to be consolidated for trial only, unless otherwise indicated.
- B. Consolidated Cases.** When two or more cases are consolidated, an Order to Consolidate reflecting the cause number to be used as the lead case and all other numbers relevant to the consolidation shall be submitted in each relevant case.

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#### **Local Civil Rule 52 FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- A. Entry of Findings of Fact and Conclusions of Law.** Unless the judicial officer presiding over a matter directs that entry of Findings of Fact and Conclusions of Law are to be handled differently, the Findings, Conclusions and Judgment or Order shall be entered in the following manner:
1. *Application.* This rule only applies to the entry of Findings of Fact and Conclusions of Law when the same are required under CR 52 and does not apply to entry of orders or judgments or orders unless Findings of Fact and Conclusions of Law are required.
  2. *Submission.* Not more than fifteen (15) days after the decision is rendered, the prevailing party shall submit Findings of Fact and Conclusions of Law and shall deliver the same, together with the Proposed Judgment or Order, to the opposing counsel or opposing party if not represented by counsel. If the prevailing party fails to submit

- proposed findings in a timely manner, the other party may do so, and shall thereupon note the matter for presentment, giving the prevailing party at least seven (7) court days' notice of the hearing.
3. *Objections.* A non-prevailing party objecting to the Findings, Conclusions or Judgment or Order shall, within fifteen (15) days after receipt of the same, deliver to opposing counsel or unrepresented party two (2) copies of the objections thereto in writing, and the proposed substitutions. Upon receipt of the objections, the opposing counsel or unrepresented party shall deliver the proposed Findings, Conclusions and proposed Judgment or Order, together with one (1) copy of the objections and the proposed substitutions received from opposing counsel to the presiding judicial officer through the Judicial Assistant.
    - a. If there are no objections received within the fifteen (15) day period aforesaid, counsel may forward the submittal to the judicial officer who shall, within ten (10) days thereafter, either (a) sign the proposed Findings of Fact, Conclusions of Law and Judgment or Order and forward to the Clerk for filing with conformed copies to all counsel, or (b) return the Findings of Fact, Conclusions of Law and Judgment or Order, if deficient, to all counsel noting the Court's requested changes or additions thereto.
    - b. The Court has discretion to order a hearing to be set on the issues of contested Findings of Fact, Conclusions of Law and Judgment or Order.
  4. *Intent.* It is the intent of this rule that Findings of Fact, Conclusions of Law and Judgment or Order will be settled and filed as soon as possible, and that such matters shall not be noted on the Motion Docket; provided however, that if the Findings of Fact, Conclusions of Law and Judgment or Order are not settled within sixty (60) days after the Court's oral or written decision, either party may note entry of the Findings of Fact, Conclusions of Law and Judgment on the Motion Docket.

*[Adopted Effective April 1, 1986; Amended Effective September 1, 2011; September 2, 2014; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]*

#### **Local Civil Rule 54**

#### **PROPOSED ORDERS AND ORDERS AFTER HEARING**

- A. Rule for Presenting a Proposed Order Before a Hearing.** When a party is required to provide a proposed Order before a hearing on any Motion, or elects to do so, parties shall do so in the following manner:
1. *Moving Party.* The moving party shall prepare and file and serve a Proposed Order along with the motion and provide a bench copy of the proposed order in accordance with LMR
  2. The opposing party shall file and serve their proposed order with their responsive materials and provide a bench copy as well.
  2. *Proposed Orders/Word Version.* For matters set on the Benton County and/or Franklin County Civil docket and Civil Summary Judgment docket (except unlawful detainer matters) only, the moving party and any party opposing a motion must email a WORD

version of any proposed order(s) to [SCProposedOrders@co.benton.wa.us](mailto:SCProposedOrders@co.benton.wa.us) no later than three (3) calendar days before a hearing, and all parties must be copied on any email message sent to that email.

3. *Domestic Cases.* Proposed Orders for domestic cases (case types 3 and 5) are governed by Local Domestic Rules outlined below.

**B. Rule for Presenting Orders After an Oral Ruling at a Hearing.** If an order is not signed at the hearing on a matter where the judicial officer has made an oral ruling on any issue, entry of the written order consistent with the judicial officer's ruling shall be as follows:

1. *Submission.* The prevailing party shall send a proposed order to each opposing counsel and/or unrepresented party no more than seven (7) calendar days after the hearing. If the prevailing party fails to submit a proposed order as required by subparagraph (1) above, the other party may do so in the same manner as if they were the prevailing party.
2. *Objections.* A party who did not prepare a proposed order may object to a proposed order. Any objection to a proposed order shall be:
  - a. Delivered to each other party within (5) days after receipt of the proposed Order;
  - b. Be presented on pleading paper in accordance with GR 14; and
  - c. Include a proposed alternative Order.
3. *Response to Objections.* After receiving an objection to a proposed order or the expiration of time in which an objection to a proposed order may be raised, the party who initially prepared the proposed order shall:
  - a. Send the initial order, the proposed alternative order and the pleading outlining the objections to the Judicial Officer via the Judicial Assistant in hard copy;
  - b. File the documents with the Clerk; and
  - c. Serve a copy of the filing on all other parties.
4. *Entry of Order.* The judicial officer may enter a proposed order as proposed, modify a proposed order, enter their own order, or set a hearing to resolve objections to a proposed order.
  - a. If there are no timely objections received, the party who initially prepared the order shall send it to the Judicial Officer by bringing/delivering a hard copy to the Court Administration office.
  - b. This rule does not apply to criminal matters (adult or juvenile), or to entry of Final Orders in Domestic cases, which are governed by the Local Domestic Rules below.

*[Adopted Effective September 1, 2024; Reformatted Effective September 1, 2026]*

## A. Motion and Proceedings.

1. *Briefs.* Briefs, or memorandum of points and authorities, shall be mandatory with respect to all motions for summary judgment. The original is to be filed with the Superior Court Clerk and properly served on all other parties. Bench copies shall be submitted in accordance with LMR 2.
2. *Continuance and Confirmation.* Any motion to continue a Motion for Summary Judgment/Partial Summary Judgment for any reason, including reasons stated in CR 56(f), shall be scheduled to be heard at least one week before the scheduled date of the summary judgment hearing. In the event the moving party unreasonably refuses to continue the case, or the opposing party unreasonably is not prepared for the hearing, terms may be assessed.
3. *The Moving Party.* The moving party shall confirm with the Clerk that the motion will be heard on the date set during the time periods set forth in the rules outlined below. The moving party shall specify with particularity the documentary evidence, including depositions, on which the motion is based.
4. *Confirmation of Summary Judgment and Over-Ten-Minute Hearings.* The moving party shall confirm with the clerk that summary judgment and over-ten-minute hearings will be heard on the date set during the following time periods:
  - a. Benton County: Summary judgment and over-ten-minute hearings shall be confirmed no sooner than Friday at 8:00 am and no later than Monday noon the week preceding the date the motion is noted for hearing.
    - i. If Friday is a holiday, the deadline is moved to Thursday. If Monday is a holiday, the deadline is moved to Tuesday by 12:00 pm. (See Website for example)
    - ii. Confirmation shall be emailed to: [civilconfirmations@co.benton.wa.us](mailto:civilconfirmations@co.benton.wa.us) within the time outlined above.
    - iii. No Phone Call Confirmations will be allowed.
  - b. Franklin County: Summary judgment and over-ten-minute hearings shall be confirmed no sooner than Wednesday at 8:30 am and no later than Friday noon the week preceding the date the motion is noted for hearing.
    - i. If Wednesday is a holiday, the deadline is moved to Tuesday. If Friday is a holiday, the deadline is moved Thursday noon the week preceding the date the motion is noted for hearing. (See Website for example) Confirmations shall be emailed to: [civilclerk@franklincountywa.gov](mailto:civilclerk@franklincountywa.gov) within the time outlined above.
5. *Confirmations Allowed.* The Clerk (Franklin County) or Judicial Assistant (Benton County) shall not allow more than two (2) Summary Judgment hearings to be confirmed for any one date. If there are two Summary Judgment matters confirmed for a date, only one (1) Over Ten matter shall be set. If a hearing date has only one (1) Summary Judgment matter set, the Clerk (Franklin County) or Judicial Assistant (Benton County) may set no more than two (2) Over Ten matters to that hearing date. No Summary Judgment and Over Ten

docket shall have more than three (3) total matters set for hearing. Any increase in the number of hearings that may be confirmed must be authorized solely by the judicial officer presiding over the docket.

6. *No Confirmation.* Failure to confirm a Motion for Summary Judgment will result in that Motion being stricken.
7. *Maximum Confirmations.* A moving party contacting the clerk (Franklin County) or Judicial Assistant (Benton County) to confirm a summary judgment for a date for which the maximum number of summary judgments and over-ten- minute hearings have previously been confirmed may continue the hearing to the next reasonably available setting and provide notice of the continuance to the other parties in the action and shall re-confirm the continued setting in accordance with the above rules. Twenty-eight (28) days' notice is not required for setting a new hearing hereunder. The new hearing date may be after the last date specified for filing dispositive motions in the Civil Case Schedule Order, but in no event less than fourteen (14) days before trial.
8. *Argument Limitations.* Argument on the civil docket shall be limited to 30 minutes per case.
9. *Continuance After Confirmation.* Once confirmed, no summary judgment hearing shall be continued without permission of the presiding judicial officer, and the moving party must appear at the docket.
10. *Confirmation by the Moving Party.* In the event the moving party unreasonably refuses to continue the case, or the opposing party unreasonably is not prepared for the hearing, terms may be assessed.

*[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003; September 1, 2006; September 1, 2009; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2017; September 1, 2020; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]*

## **Local Civil Rule 59 REVISIONS AND RECONSIDERATIONS**

### **A. Procedure for Revision or Reconsideration.**

1. *Motion Content and Service Deadlines.* A party seeking revision of a Court Commissioner's ruling pursuant to RCW 2.24.050 and CR 53.2(e), reconsideration pursuant to CR 59, shall file and serve a Motion for Revision or Motion for Reconsideration within ten (10) days of entry of the order with the Clerk. The motion must set forth specific grounds for each claimed error and argument and legal authorities in support thereof.
  - a. Within 10 days of entry of the court's ruling, the moving party shall file the motion with the Clerk; and serve the motion on all other parties appearing in the case, through counsel if represented.
  - b. The moving party shall file with the Clerk proof of service at the same time as filing said motion.
  - c. Upon filing the motion with the Clerk, the moving party shall send email confirmation of filing, a copy of the motion, any attachments, proof of service,

and Microsoft WORD format of the proposed order (subject to technology access), to the Judicial Assistants at:

[Reconsideration-Revision@co.benton.wa.us](mailto:Reconsideration-Revision@co.benton.wa.us). The email must include all parties and/or attorneys on the distribution, unless otherwise required by law.

- d. Failure to comply with the requirements a through c of this rule may result in the motion being denied.

2. *Opposing Documents and Service Deadlines.* The opposing party shall file and serve opposing documents in the timeline and manner outlined below:

- a. Within 10 days after service of the Motion, opposing counsel or the opposing party, if not represented at the time of filing of the motion, shall file opposing documents with the Clerk; and serve the opposing documents on all other parties appearing in the case, through counsel if represented.
- b. The 10-day period may be extended an additional ten (10) days for a total of twenty (20) days either by the court for good cause or by the parties' written stipulation.
- c. The opposing party/attorney shall file with the Clerk proof of service at the same time as filing said opposing documents.
- d. Upon filing the opposing documents with the Clerk, the responding party shall send email confirmation of filing, a copy of the response, any attachments, proof of service, and Microsoft WORD format proposed order (subject to technology access), to the Judicial Assistants at:  
[Reconsideration-Revision@co.benton.wa.us](mailto:Reconsideration-Revision@co.benton.wa.us). The email must include all parties and/or attorneys on the distribution, unless otherwise required by law.
- e. The opposing party's failure to comply with the requirements a through d of this rule may result in the motion being granted without consideration of the response.

3. *Review is De Novo for Motions for Revision.* Review of the Commissioner's order shall be de novo based on the pleadings submitted and without oral argument unless requested by the reviewing Judge.

4. *Effect of Order During Pendency of a Motion for Revision or Reconsideration.* The judicial officer's order shall remain effective unless and until stayed by the judicial officer pending proceedings related to the motion for revision or reconsideration.

5. *Oral Argument.* Oral Argument on Motions for Reconsideration or Revision will not be noted/scheduled unless the court directs otherwise after review of the Motion/Response. The Judicial Assistant will reach out to parties at the direction of the court.

*[Adopted Effective September 1, 2026]*

**Local Civil Rule 64**  
**SEIZURE OF PERSON OR PROPERTY**

- A. All bench warrants issued in a civil proceeding shall be valid for one year from the date of issuance, unless quashed earlier. All such warrants issued in a civil proceeding shall contain

substantially the following language: This warrant shall expire at the end of one year from the date of issuance.

*[Adopted Effective August 1, 1990; Amended Effective September 1, 2003; Re-Formatted Effective September 1, 2023]*

## **Local Civil Rule 72 LOWER COURT APPEALS**

**A. Scope of the Rule.** This rule governs civil and criminal appeals from the following courts of limited jurisdiction from Benton District Court, Franklin District Court, and Pasco Municipal Court.

**B. Standard Case Schedule.** All appeals from courts of limited jurisdiction are subject to the case scheduling orders issued by the Superior Court.

1. *Applicability.* Unless otherwise ordered by the court, the following deadlines apply in all appeals from courts of limited jurisdiction after filing of the Notice of Appeal.

- a. Filing of Appellant's Designation of Record (RALJ 6.2(a)) 14 Days
- b. Filing of Appellant's Brief and Service on all Parties and Court 60 Days
- c. Status Conference at 8:30 AM (Mandatory in Person Hearing) 65 Days
- d. Filing of Respondent's Brief and Service on all Parties and Court 90 Days
- e. Filing of Reply Brief and Service on all Parties and Court 100 Days
- f. Oral Argument Hearing (Mandatory in Person) 105 Days

**C. Compliance Requirement.** All parties shall comply with the above schedule. The appearance of the parties at the Status Conference and the Oral Argument Hearing is mandatory.

**D. Notice to Parties.** The Case Schedule Order is the notice to the parties.

**E. Failure to Comply.** Failure to comply with this rule, the case scheduling order, or the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), or using said Rules for the purpose of delay, may result in one or more of the following sanctions:

1. An order directing a party or attorney to pay monetary terms;
2. An order immediately lifting any stay of enforcement of the judgment entered below;
3. An order conditioning a party's participation in the appeal upon compliance with the RALJ and further orders of the Court;
4. Dismissal of the appeal.

**F. Record of the Lower Court.** The appellant is responsible for obtaining and filing the record from the lower court in accordance with RALJ and Local Court Rules.

*[Adopted Effective September 1, 2026]*

## **Local Civil Rule 77 SUPERIOR COURTS, JUDICIAL OFFICERS, RECUSALS**

- A. Court Hours.** Court will be in session, unless otherwise ordered on all judicial days except Saturdays, Sundays and Legal Holidays. Court hours will be from 8:00 a.m. to 4:30 p.m., except the Court shall be closed for lunch from 12:00 p.m. to 1:00 p.m. The hours of operation for both the Benton and Franklin County Clerks of the Court can be found on their respective Websites. All parties and counsel shall be present in court at 8:30 a.m. on the first day of a jury trial. In criminal cases, defense counsel shall have the defendant in court at 8:30 a.m. the first day of trial unless the defendant is in custody.
- B. Court Administration.** The Court Administration office shall be open 8:00 a.m. to 4:00 p.m., except the office shall be closed for lunch from 12:00 p.m. to 1:00 p.m. Notifications of emergency court closures or delays due to inclement weather will be posted on the Court's Website on the "Inclement Weather" page as soon as possible following notification by each County of any delay or closure due to inclement weather. Other important and urgent updates can be found on the "What's New" page of the court's website.
- C. Notice of Disqualification/Request for Recusal.** Under RCW 4.12.050, a copy of the motion and/or affidavit for notice of disqualification shall be delivered to the Court Administration office. Notices of disqualification are not applicable to court commissioners. Instead, court commissioner decisions are subject to revision under RCW 2.24.050 and Local Civil Rule 59. A party requesting the recusal of the judge or commissioner shall deliver a copy to the Court Administration office or orally request on the record.

*[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003; September 1, 2004; September 1, 2005; September 1, 2009; September 1, 2011; September 1, 2018; September 1, 2021; September 1, 2022; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025; Amended Effective September 1, 2026]*