

### **PCLR 3 COMMENCEMENT OF ACTION/CASE SCHEDULE**

**(a) Civil (Non-Family) Cases Not Receiving a Scheduling Order upon Filing.** The following case types do **NOT** receive either an Order Setting Case Schedule ([Form A](#) as set forth in the Appendix) or an Order Assigning Case to Judicial Department and Setting Hearing Date ([Form B1/B2](#)) at filing:

- (1) Change of name;
- (2) Domestic violence ([Chapter 26.50 RCW](#));
- (3) Harassment ([Chapter 10.14 RCW](#));
- (4) UIFSA actions ([Chapter 26.21A](#));
- (5) Foreign judgments;
- (6) Abstract or transcript of judgment;
- (7) Civil commitment;
- (8) Proceedings under [Chapter 10.77 RCW](#) (Criminally Insane - Procedures);
- (9) Proceedings under [Chapter 70.96A RCW](#) (Treatment for Alcoholism, Intoxication, and Drug Addiction).

**(b) Civil (Non-Family) Cases Receiving a Mandatory Court Review Hearing Date upon Filing.** The following case types are ones for which the Clerk shall issue, at the time of filing, or for estate cases when an order appointing personal representative is filed, an Order Assigning Case to Judicial Department and Setting Hearing Date ([Form B1](#), except as to certain estate matters as set forth in section (b)(4) below). The time frame for the Mandatory Court Review Hearings vary depending on the type of matter, as indicated below:

- (1) Case types to be reviewed 2 months after filing:
  - Administrative Law Review
  - Criminal RALJ Appeal
  - DOL Revocation – Appeal
  - Lower Court Appeal – Civil
  - Lower Court Appeal – Infraction
- (2) Case types to be reviewed 4 months after filing:
  - Absentee
  - Confidential Name Change
  - Collection
  - Commercial
  - Compel/Confirm Binding Arbitration
  - Confidential Intermediary
  - Deposit of Surplus Funds
  - Foreclosure
  - Guardianship, Limited Guardianship, Special Needs Trust and Trust, except for annual periodic reviews of guardianships and trusts which are heard by the assigned Judicial Department on its Friday motion docket, and contested guardianships which shall be assigned a Case Schedule when a trial date is requested
  - Injunction
  - Interpleader
  - Minor Settlement with or without guardianship
  - Miscellaneous

Petition for Certificate of Rehabilitation  
Petition for Relief from Duty to Register  
Petition for Writ  
Petition to Restore Opportunities  
Petition to Restore Rights  
Petition to Restore Rights to Possess Firearms  
Petition to Restore Voting Rights  
Proceedings for isolation and quarantine  
Seizure of Property from Commission of Crime  
Seizure of Property Resulting from Crime  
Subpoenas  
Unlawful Detainer  
Writ of Habeas Corpus  
Writ of Mandamus  
Writ of Review

**(3) Case types to be reviewed 6 months after filing:**

[Reserved]

**(4) Case types to be reviewed 12 months after filing:**

Adoption

Child Support or Maintenance Modifications

Estate/probate if court supervision is required (e.g. bond required, either a guardian or guardian ad litem is appointed to represent a minor or incompetent heir, or estate insolvent) or is otherwise governed by [RCW 11.76.010](#), except any will contest or litigation matter arising in a probate case shall be assigned an Order Setting Case Schedule when the Petition to Contest the Will is filed or the estate is sued ([Form B2](#))

Paternity Parent Determination

Trust and Estate Dispute Resolution Act (TEDRA)

**(5) Case types to be reviewed 60 months after filing:**

Estate/probate if full nonintervention powers are granted ([Form B1](#)).

The purpose of the mandatory court review hearing in these case types shall be to assess the progress of the case and assure that the matter is being prosecuted diligently to a conclusion. If necessary and where appropriate, the court may issue an Order Setting Case Schedule ([Form A](#)) to provide a trial date. Failure to attend the hearing may result, when appropriate, in dismissal of the case without prejudice or closure of the matter without further notice. In paternity matters, it may result in a resolution of the case without dismissal.

**(c) Civil (Non-Family) Cases Receiving an Order Setting Case Schedule at Filing.** When a new civil, non-family case of a type not specifically identified in sections (a) or (b) above is filed, or as otherwise provided in these rules, the clerk shall issue an Order Setting Case Schedule and shall provide one copy to the plaintiff/petitioner and one copy to the assigned judicial department. The plaintiff/petitioner shall serve a copy of this Order on the defendant/respondent along with the initial pleadings; provided that if the initial pleading is served prior to filing, the plaintiff/petitioner shall within five (5) court days of filing serve this Order. If the initial pleading is served by publication, the plaintiff/petitioner shall serve this Order within five (5) court days of service of defendant's/respondent's first appearance. When this Order is served pursuant to this

section, it may be served by regular mail with proof of mailing/service to be filed promptly in the form required by these rules, see [PCLR 5](#). The Order Setting Case Schedule shall contain the case heading and otherwise be as set forth in Appendix, [Form A](#).

**(d) Family Law (Type 3) Cases.** These cases are governed by [PCLR 40\(d\)](#). As set forth more fully in that rule, it depends on the particular type of family law case whether the matter receives ~~an Order Setting Case Schedule or an Order Assigning Case to Judicial Department and Setting Hearing Date~~ a trial date at the time of filing.

When a new Petition for Dissolution (with or without children) or a Petition to Establish a Residential Schedule/Parenting Plan is initiated, the clerk shall issue an Order ~~Setting Case Schedule – Family Law Assigning Case to Judicial Department and Setting Hearing Date~~ and shall provide one copy to the petitioner and one copy to the assigned judicial department. The Order ~~Setting Case Schedule – Family Law Assigning Case to Judicial Department and Setting Hearing Date~~ shall contain the case heading and otherwise be as set forth in Appendix, [Form I](#). See [PCLR 40\(d\)](#).

Certain other types of Family Law Cases such as Nonparental Custody Petitions and Petitions to Modify an Existing Parenting Plan shall be issued an Order Setting Case Schedule at filing pursuant to [PCLSPR 94.04\(f\)](#) and [\(g\)](#) and assigned to a department or to Family Court in accordance with existing court policy and practice.

In every newly initiated family law case or modification proceeding, the petitioner shall serve a copy of the applicable order on the respondent along with the initial pleadings; provided that if the initial pleading is served prior to filing, the petitioner shall within five (5) court days of filing serve the applicable order. If the initial pleading is served by publication, the petitioner shall serve the applicable order within five (5) court days of service of respondent's first appearance. When the applicable order is served pursuant to this section, it may be served by regular mail with proof of mailing/service to be filed promptly in the form required by these rules, see [PCLR 5](#).

**(e) Amendment of Case Schedule.** The court, either on motion of a party or on its own initiative, may modify any date in the Order Setting Case Schedule for good cause, including the track to which the case is assigned, except that the trial date may be changed only as provided in [PCLR 40\(g\)](#). If an Order Setting Case Schedule is modified or the track assignment is changed, the court shall prepare and file the Order Amending Case Schedule and promptly mail or provide it to the attorneys and self-represented parties. Cases which are transferred to ~~mandatory~~ arbitration pursuant to [PCLMARPCCLSCCAR-2.1PCLSCCAR 2.1](#) will have their existing case schedule stricken upon transfer. The assigned judicial department will then set a mandatory court review hearing to monitor the case status. Once a case is resolved, closed or dismissed, the assigned judicial department will cancel any pending mandatory court review hearing. A written request for a trial de novo shall cause a new Order Setting Case Schedule to be issued on an expedited track assignment (per PCLR 3(h) below) by the assigned judicial department when the request for trial de novo is filed pursuant to [PCLMARPCCLSCCAR-7.1PCLSCCAR 7.1](#).

**(f) Service on Additional Parties Upon Joinder.** A party who joins an additional party in an action shall be responsible for serving the additional party with the current Order Setting Case Schedule together with the first pleading served on the additional party.

**(g) Form of Case Schedule.**

**(1) Original Case Schedule.** The [Order Setting Case Schedule](#) is set forth in Appendix, [Form A](#).

**(2) Amended Case Schedule.** An Order Amending Case Schedule shall be in the same form as the original Order Setting Case Schedule except that an Order Amending Case Schedule shall be entitled Order Amending Case Schedule and it need not include the Notice provisions. An Order Amending Case Schedule issued pursuant to [PCLR 40\(e\)\(4\)](#) shall only contain the following dates: Joint Statement of

Evidence, Pretrial Conference, and Trial date. Additional dates may be added to the Order Amending Case Schedule upon order of the court.

**(h) Track Assignment.** Each case receiving an Order Setting Case Schedule at filing shall be assigned to a track as set forth in this rule.

**(1) Expedited Cases.** Expedited cases shall have a discovery cutoff of 20 weeks and trial in 26 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. Depositions of persons other than the parties shall require court permission. Interrogatories shall be limited to twenty-five (25) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions. Any case in which it is expected there will be no more than a total of four (4) witnesses shall be presumptively an expedited track case.

**(2) Standard Cases.** Standard cases shall have a discovery cutoff of 45 weeks and trial in 52 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. There shall be no limitations with respect to depositions, except as otherwise ordered pursuant to the state civil rules. Interrogatories shall be limited to thirty-five (35) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions. Actions for breach of contract, personal injury, title to land, construction claims involving questions of workmanship, and discrimination claims shall presumptively be standard track cases. Any case wherein it is expected there will be no more than a total of twelve (12) witnesses shall be presumptively a standard track case.

**(3) Complex Cases.** Complex cases shall have a discovery cutoff of 67 weeks and trial in 78 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. There shall be no limitations with respect to depositions, except as otherwise ordered pursuant to the state civil rules. Interrogatories shall be limited to thirty-five (35) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admission. Medical or professional malpractice, product liability, and class action claims shall presumptively be complex track cases.

**(4) Dissolution Cases.** All dissolutions shall presumptively be a family law track at filing. If not resolved within 122 days of filing, the case will be assigned to the dissolution track by the assigned Judicial Department and an Order Setting Case Schedule will be created. Dissolution cases shall have a discovery cutoff of 30 weeks and a trial in 36 weeks. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date. There shall be no limitations with respect to depositions except as otherwise ordered pursuant to the civil rules. Interrogatories shall be limited to one hundred (100) in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. There shall be no limit on requests for admissions.

**(5) LUPA Cases.** All LUPA cases shall be LUPA track cases.

**(6) Collaborative Law Cases.** In the event that represented parties mutually agree to participate in Collaborative Law, they shall present to the assigned judicial department the Order and Joint Notice of Participation in Collaborative Law as set forth in the Appendix, [Form P](#), and obtain a mandatory status conference date. The parties shall no longer have to comply with the Order Setting Case Schedule Requirements of PCLR 3. If the case does not resolve by the mandatory status conference date, the mandatory status conference shall be held to advise the Court of the progress. Counsel and the court may agree to continue the status conference if participation in the Collaborative Law process is ongoing. Failure to comply may lead to dismissal of the case.

**(i) Time Intervals for Cases Receiving an Order Setting Case Schedule.** The events and time intervals included in the original Order Setting Case Schedule shall be measured in weeks from the date of filing or assignment of a Case Schedule as follows:

**CASE SCHEDULE AND TRACK ASSIGNMENT-Measured in Weeks:**

	EXPEDITED	STANDARD	COMPLEX	DISSOLUTION
Confirmation of Service	2	4	6	3
Confirmation of Joinder of Parties, Claims and Defenses *	8	17	26	
Jury Demand *	9	18	27	
Status Conference ( <b>contact court for specific date</b> ) <b>**Mandatory appearance date set when case schedule is issued.</b>	10	21	32	<b>28**</b>
Plaintiff's/Petitioner's Disclosure of Primary Witnesses	12	25	38	18
Defendant's/Respondent's Disclosure of Primary Witnesses	15	29	42	21
Disclosure of Rebuttal Witnesses	17	36	57	23
Deadline for filing motion to Adjust Trial Date	19	40	60	25
Discovery Cutoff	20	45	67	30
Exchange of Witness and Exhibit Lists and Documentary Exhibits	21	47	70	32
Deadline for Hearing Dispositive Pretrial Motions *	22	48	72	
Joint Statement of Evidence	22	48	72	32
Alternative Dispute Resolution to be held before	23	48	72	32
Pretrial Conference ( <b>contact Court for specific date</b> )	25	50	75	35
Trial	26	52	78	36

\* Does not apply to dissolution cases.

**LUPA CASE SCHEDULE:**

<b>CASE EVENT</b>	<b>DEADLINE</b>
Petition for Review of Land Use Decision Filed and Schedule Issued ( <a href="#">RCW 36.70C.040</a> )	
DEADLINE to contact assigned Judge to confirm initial hearing ( <a href="#">RCW 36.70C.080</a> )	7 days after Petition is filed
DEADLINE to Stipulate or File Motion for Change of Hearing Date or Adjustment of Schedule ( <a href="#">RCW 36.70C.080(1)</a> ; <a href="#">RCW 36.70C.090</a> )	28 days after Petition is filed
Initial Hearing on Jurisdictional and Preliminary Matters (FRIDAYS ONLY) ( <a href="#">RCW 36.70C.080</a> )	40 days after Petition is filed
DEADLINE to file Certified Copy of Local Jurisdiction Record ( <a href="#">RCW 36.70C.110</a> )	45 days after Initial Hearing
DEADLINE to file Brief of Petitioner ( <a href="#">RCW 36.70C.080(4)</a> )	20 days after deadline to file Record
DEADLINE to file Brief of Respondent ( <a href="#">RCW 36.70C.080(4)</a> )	40 days after deadline to file Record
DEADLINE to file Reply Briefs ( <a href="#">RCW 36.70C.080(4)</a> )	50 days after deadline to file Record
Review Hearing/Trial Date – ( <a href="#">RCW 36.70C.090</a> )	Within 60 days of the date set for submitting the Record

**(j) Trial by Affidavit.**

**(1) Affidavit.** Parties may agree to submit unresolved issues to the assigned judicial department by affidavit. This shall be determined at the discretion of the assigned judicial department at the status conference or as determined by agreement of the parties and approval of the assigned judicial department. If the request for trial by affidavit is granted the self-represented parties or their attorneys shall file and serve a form entitled **Trial By Affidavit Certificate**, as set forth in Appendix, **Form C**. The assigned judicial department shall issue an Order Amending Case Schedule.

**(2) Trial and Notice.** If the matter is to be submitted on affidavit, the parties shall be given a trial date approximately 20 weeks from filing. Fourteen (14) days prior to the trial date the parties shall serve and file their affidavits. Rebuttal affidavits, if any, shall be served and filed no later than seven (7) days prior to trial. Surrebuttal affidavits, if any, shall be filed and served two (2) days before the trial. Working copies of all affidavits shall be provided to the assigned judicial department. Affidavits filed beyond these deadlines shall not be considered.

**(3) Priority.** Matters set for trial by affidavit may take priority over other matters set for the same day. On the day of trial, unless otherwise ordered, each side shall have one-half hour to argue their respective positions to the court.

**(4) Case Schedule.** Once a matter is set for trial by affidavit, the self-represented parties and attorneys shall no longer be bound by the Order Setting Case Schedule, except for the new trial date in the Order Amending Case Schedule issued by the Judicial Assistant.

**(k) Monitoring.** Each judicial department of the Superior Court, the Superior Court Administrator's Office, and at such time as the Presiding Judge may direct, the Clerk of the Court shall monitor cases to determine compliance with these rules.

**(l) Enforcement.** The assigned judicial department, on its own initiative or on motion of a party, may impose sanctions or terms for failure to comply with the Order Setting Case Schedule established by these rules. If the court finds that an attorney or self-represented party has failed to comply with the Order Setting 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. As used in this rule, "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.

[Amended effective September 1, 20~~20~~<sup>18</sup>]