

LOCAL COURT RULES
ADAMS COUNTY DISTRICT COURT

Effective September 1, 2021

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CIVIL RULES

LCRLJ 65

ISSUANCE OF JUDICIAL SUBPOENA PURSUANT TO RCW 50.13.070

A Judgment Creditor may request that the Court issue a judicial subpoena for employment records pursuant to RCW 50.13.070 upon the filing and service of a motion supported by an affidavit/sworn statement under penalty of perjury and notice directed to the Clerk of the Court and the Judgment Debtor. The notice shall indicate that the Judgment Creditor holds an unsatisfied judgment against the Judgment Debtor, that the Judgment Creditor has requested the Court to issue a subpoena pursuant to RCW 50.13.070, that the motion will be granted unless the Judgment Debtor objects to the motion and demands a hearing within 13 days of the date of mailing of the notice. The notice shall indicate that the legal issue at the hearing on the motion is any privacy concern that the Judgment Debtor may have. The Judgment Creditor shall also serve upon the Judgment Debtor a Demand and Notice of Hearing form which the Judgment Debtor may complete. The Demand and Notice shall also provide the Judgment Debtor with instructions regarding completing the form and service of the form on the Court and Judgment Creditor. The Demand and Notice of Hearing form shall contain a date for hearing on the Court's civil docket, which hearing shall not be less than 7 days from deadline to respond to the Motion. The forms provided in this rule are deemed to satisfy the requirements of this rule.

- (1) ISSUANCE OF SUBPOENA, EX PARTE- If the Judgment Creditor files the motion, notice, and demand for hearing form along with evidence of service, and the Judgment Debtor fails to file the demand for hearing form, the Court may issue the subpoena without a hearing or further notice to the Judgment Debtor.
- (2) HEARING REGARDING ISSUANCE OF SUBPOENA- If the Judgment Debtor files the Demand and Notice of Hearing form, the Clerk of the Court shall docket the matter for hearing on the date and time set out in the demand. The matter is deemed ready for hearing and parties need not call the matter ready for the Court.

Forms

(1) MOTION

(Judgment Creditor), Judgment Creditor and Plaintiff in this matter, moves the Court for a Judicial Subpoena pursuant to RCW 50.13.070.

This motion is based on the fact that (Judgment Creditor) holds an unsatisfied judgment against (Judgment Debtor) and is in need of information which is deemed confidential by RCW 50.13.020, in order to obtain a source of assets to satisfy the judgment.

Dated: _____

/s/ Judgment Creditor's Attorney

Judgment Creditor
(Address)
(City, State)

(2) SWORN DECLARATION FOR ORDER FOR SUBPOENA; RCW 50.13.070

Under penalty of perjury of the State of Washington the following is true and correct:

I am the (attorney for) (authorized agent of) the above-named Plaintiff;

Plaintiff has a judgment wholly and partially unsatisfied against the Defendant in the Court from which this order is sought;

Plaintiff has reason to believe and does believe that the Defendant below named is employed and/or has assets in excess of those exempt from garnishment under Washington law, to wit:

Defendant Name: (*Defendant's name*) SSN: ***-**- (____)

Plaintiff believes the Department of Employment Security has information concerning Defendant's past and current employment. Plaintiff needs the information in order to collect this judgment which Defendant has not paid.

I certify under penalty of perjury under the laws of the State of Washington the foregoing is true and correct.

Dated: _____

(Attorney or Authorized Agent)

(3) NOTICE

TO THE CLERK OF THE COURT, and
TO (*Judgment Debtor*), *JUDGMENT DEBTOR*:

Please take notice that (Judgment Creditor) has requested that the above-entitled court issue a Judicial Subpoena directed to the Washington State Employment Security Department, in order to obtain your employment records. In order for the Court to issue the subpoena, the Court must find that (Judgment Creditor) holds a judgment against you, that the judgment has not been paid in full, and that (Judgment Creditor's) need for the information outweighs concerns you have regarding the privacy of this information.

You may do two things:

- (1) If you choose not to act, the Court will issue the Subpoena without notice to you.
- (2) If you choose to demand a hearing, you must complete the enclosed Demand and Notice of Hearing form and file it with the Adams County District Court-Othello and mail it to the Judgment Creditor at the addresses below within 13 days of the date of mailing of this notice to you. The Date, Place and Time for your hearing is contained in the Demand and Notice of Hearing. Please keep a copy of the Demand for your records. This is your opportunity to be heard and this is the only notice you will

receive. The motion will be granted unless you object to the motion and demand a hearing as described herein. Your deadline to file and serve the Demand and Notice of Hearing is (Date).

At the hearing, you will have an opportunity to present privacy concerns that you may have.

Dated: _____

/s/ Judgment Creditor's Attorney

Adams County District Court-Othello
425 E. Main St., Suite 400
Othello, WA 99344

Judgment Creditor
(Address)
(City, State, Zip)

4. DEMAND AND NOTICE OF HEARING (RCW 50.13.070)

TO THE CLERK OF THE COURT and
TO THE JUDGMENT CREDITOR:

Please take notice that the Judgment Debtor hereby demands a hearing regarding the issuance of a Judicial Subpoena for Employment Records pursuant to RCW 50.13.070.

The Hearing shall be on the third Tuesday of (Month) (Month/day/year), at 1:30 PM or as soon thereafter as it may be heard at the Adams County District Court on 425 E. Main St., Othello, Washington. This is the only notice you will receive of this hearing.

This Demand and Notice of Hearing must be filed with the Clerk of the Court and mailed to the (Judgment Creditor) on or before (Date) at the following addresses:

Adams County District Court-Othello
425 E. Main St., Suite 400
Othello, WA 99344

Judgment Creditor
(Address)
(City, State, Zip)

Dated: _____

/s/ Judgment Creditor's Attorney

5. SUBPOENA

The Court considered the file herein and the Plaintiff's motion. The Court finds that the Plaintiff is a Judgment Creditor in this matter. The Plaintiff's need for employment information in order to allow the Plaintiff to discover a source to satisfy the judgment outweighs the privacy concerns of the Defendant/Judgment Debtor. The information is otherwise accessible through a proceeding under RCW 6.32.010.

Finding that the requirements of RCW 50.13.070 have been met, the Court orders as follows:

TO THE EMPLOYMENT SECURITY DEPARTMENT OF WASHINGTON:
You are hereby directed to provide employment information to (Judgment Creditor) for the following individuals for a period of 2 years from the date this Judicial Subpoena is issued:

(Judgment Debtor)

Issued on: _____

Judge

[Effective September 1, 2021]

INFRACTION RULES

LIRLJ 2.4

RESPONSE TO NOTICE OF INFRACTION

The procedure authorized in IRLJ 2.4(b)(4) for responding to a notice of infraction is adopted by this court.

[Effective September 1, 2021]

LIRLJ 3.2(b)

MOTION TO SET ASIDE DEFAULT JUDGMENT ON INFRACTION

A defendant may file a written motion on forms provided by the court to set aside a default judgment for Failure to Appear at a requested mitigation or contested hearing. The court will consider the written motion in chamber and issue a written decision. Only one motion shall be allowed on any case. A mitigation hearing may be granted upon setting aside the judgment. A contested hearing shall not be allowed unless by special written order.

[Effective September 1, 2021]

LIRLJ 3.3(b)

REPRESENTATION BY LAWYER

At a contested hearing where an attorney has appeared for the defendant or witnesses have been subpoenaed, a lawyer representative of the Prosecutor's Office shall appear. A defendant charged with a traffic infraction and represented by counsel must provide written notice to the prosecuting authority and clerk of the court of such representation at least seven days from the date the original request for a contested hearing is mailed by the defendant. Upon receipt of counsel's notice of appearance, the clerk shall reset the contested hearing to the appropriate calendar. The failure to timely file a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of the notice of infraction or the date the default judgment was set aside, as required by IRLJ 2.6(a).

[Effective September 1, 2021]

LIRLJ 3.5

DECISION ON WRITTEN STATEMENTS MITIGATION/CONTESTED/DEFERRED INFRACTION

The procedure authorized by IRLJ 3.5 is adopted by this court. Defendants may submit statements by mail or email that are in accordance with IRLJ 2.4(b)(4) for mitigation or contested hearing. The clerk will schedule the hearings for in chamber review and examination pursuant to IRLJ 3.5, and the court will issue a written decision and establish any penalty imposed. There shall be no appeal from a decision on written statements.

Defendants may submit request and orders for deferred infractions by mail or email. The clerk will schedule the hearings for in chamber review and examination pursuant to RCW 46.63.070(5)(a) – (d), and the court will issue a written decision granting or denying the request.

[Effective September 1, 2021]

LIRLJ 4.2(d)

FAILURE TO PAY

(d) Failure to make payment. Defendants who owe penalties on traffic infraction must report to the court clerk immediately after leaving the courtroom. Failure to do so may be considered a failure to pay.

[Effective September 1, 2021]