

FILED
SUPERIOR COURT

'20 SEP 29 P3:56

COWLITZ CO. CLERK
STACI L. MYKLEBUST

BY _____

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COWLITZ

IN RE THE MATTER OF THE RESPONSE
BY COWLITZ COUNTY SUPERIOR
COURT TO THE PUBLIC HEALTH
EMERGENCY IN COWLITZ COUNTY
AND THE STATE OF WASHINGTON

No.: 2020-0003-08
EMERGENCY ORDER No. 4-A
(MODIFICATION #2)
RE: COURT OPERATIONS

WHEREAS, the risks still exists, if not even greater, from the time the pandemic began in the state of Washington, and the pandemic continues to threaten the life and health of our community, including those that come to our Court; and

WHEREAS, like many courts, we serve a vulnerable population of people. In addition, whether people come to the court as a party, witness, juror, legal counsel, or as court personnel, the courtrooms are compact, jury rooms are small, jury pools can only be maintained in a small area, there are limited restrooms, and seating is compact; and

WHEREAS, the judiciary has worked to mitigate, and provide limited in-person hearings that meet the criteria of the CDC, including masking, limitations on numbers, sanitizing, social distancing; and

Emergency Order No. 4-A (Modification #2)
Re: Court Operations

WHEREAS, even with those mitigating factors, given the current air flow, limited space, and now the substantial increase in the number of positive COVID-19 cases in our County, the Judges cannot find, with the significant limitations of our court, they can safely provide in person hearings at this time; and

THEREFORE, based on the above, the significant number of individuals at risk of contracting COVID-19 in Cowlitz County and the severity of risk posed to the public, court personnel and litigants; the significant limitations of our courts to comply with recommendations of the CDC, Washington State Health Department and the Cowlitz County Health Department; and given the recommendations from these departments:

It is hereby ORDERED, after finding good cause as the least restrictive alternative, and pursuant to the authority of the Washington State Supreme Court Orders in response to the COVID-19 public health emergency, and the authority as Presiding Judge of Cowlitz County Superior Court, ***Emergency Order No. 4-A, issued on June 25, 2020, is modified as follows:***

1. **Page 2, paragraph 1(a):** The date all jury summons are suspended until shall be changed from July 27, 2020 to September 1, 2020.
2. **Page 2, paragraph 1(b):** The date criminal trials are stricken and continued until shall be changed from July 27, 2020 to September 1, 2020.
3. **Page 3, paragraph 1(d):** The paragraph shall be amended to allow for in-person civil bench trials if ordered by the Court.
4. **Page 3, paragraph 1(e), last sentence:** The sentence will be modified in part to read ".....March 20, 2020 to at least October 15, 2020, or as determined by further court order."
5. **Page 3, paragraph 2(a):** The date all other out of custody criminal matters shall be continued until, shall be changed from July 3, 2020 to September 1, 2020.

Page 4, paragraph 4(a)(i), shall be replaced with the following:

- i. All guardianship motions shall remain as currently, or subsequently set. Unless the parties have been otherwise directed, they will need to appear virtually at the time of the hearing. Alternatively, where appropriate, the matter can be submitted for consideration through the Ex Parte process.

Page 5, paragraph 4(b), shall be replaced with the following:

Probates. Effective immediately, all eligible Petition for Appointment of Personal Representative or Administrator and Bonds must be presented Ex Parte via the Clerk. Walk-in/In Person presentation is no longer permitted. For those matters which require notice or otherwise are ineligible for submission Ex Parte, via the Clerk, the moving party shall note the matter on the docket. All currently scheduled probate motions shall remain as currently, or subsequently, set. Unless the parties have been otherwise directed, they will need to appear virtually at the time of the hearing. Alternatively, where appropriate, the matter can be submitted for consideration through the Ex Parte process. Parties must continue to submit original Wills as required pursuant to Chapter 11.20 RCW.

Page 6, paragraph 4(d), shall be replaced with the following:

All other civil motions, except Unlawful Detainers, not addressed above, including, but not limited to Receivership and Minor Settlements, shall be noted and heard virtually by the Court. Any Unlawful Detainer cases controlled by the State or Federal moratoriums are suspended under the terms of those State and Federal directives. All other eviction matters will be heard virtually.

Page 6, paragraph 5, sub-paragraphs 2 and 3, shall be modified to reflect all mental health hearings are being heard virtually.

Emergency Order No. 4-A (Modification), dated June 29, 2020, is hereby modified as follows:

1. **Page 4, paragraph 2:** The date for in-person juvenile criminal trials shall be changed from July 27, 2020 to September 16, 2020.

The **effective date of this Order is SEPTEMBER 16, 2020.** This Emergency Order No. 4-A (Modification #2) modifies this Court's prior Emergency Order 4-A, (dated June 25, 2020, and filed June 25, 2020) and Emergency Order No. 4-A (Modification) (dated June 30, 2020). This Court may extend the time frames in this Order as required by continuing public health emergency, and if necessary, will do so by further order.

All paragraphs not specifically modified herein shall remain as currently ordered by the Court.

DATED this 29th day of September, 2020.

NUNC PRO TUNC TO 9/16/2020



JUDGE GARY BASHOR
PRESIDING JUDGE OF
COWLITZ COUNTY SUPERIOR COURT