

**KITSAP COUNTY SUPERIOR COURT
STATE OF WASHINGTON**

IN RE THE KITSAP COUNTY COURTHOUSE AND THE
PANDEMIC OUTBREAK OF THE CORONAVIRUS
DISEASE 2019 (COVID-19)

**No. 2020-8
EMERGENCY ADMINISTRATIVE ORDER
RE CIVIL CASES**

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19).¹

Washington has been "ground zero" for this disease. Although for many this disease appears to cause only flu-like symptoms, for others it can pose a serious and potentially lethal risk as exhibited by the increasing number of Washington deaths currently attributed to the disease. Governor Inslee has declared a state of emergency and has banned most events with more than 50 people. It has been declared that all Washington elementary and secondary schools will be closed through April 24, 2020.

Kitsap County Superior Court has consulted with the Kitsap County Health Department² concerning the current status of the disease as well as recommendations the Health Department has made to attempt to contain and mitigate the spread of the disease.

On March 4, 2020, the Washington Supreme Court adopted Order No. 25700-B-602 granting emergency authority to the presiding judges of all Washington courts to "adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency."

On March 13, 2020, the Kitsap County Superior Court adopted Emergency Administrative Order 2020-1 to address Superior Court Criminal and Civil Jury trials. On March 16, 2020, the Kitsap County Superior Court adopted Emergency Administrative Order 2020-2 to address Juvenile Dependency proceedings. On March 17, 2020, the Kitsap County Superior Court adopted Emergency Administrative Order No. 2020-3 regarding courtroom management. On March 17,

¹ Hereafter "disease."

² Hereafter "health department."

2020, the Kitsap County Superior Court adopted Emergency Administrative Order No. 2020-4 in response to a confirmed case of COVID-19 that was reported among a member of the Kitsap County Superior Court.

On March 18, 2020, the Supreme Court of Washington entered Order No. 25700-B-606 which, related to civil cases, states as follows:

- 1.) All civil jury trials shall be suspended until after April 24, 2020.
- 2.) All non-emergency civil matters shall be continued until after April 24, 2020.
- 3.) All emergency matters that must be heard before April 24, 2020, must be heard by telephone, video, or other means that does not require in-person attendance unless impossible, and;

The Court recognizes that there are procedural issues in juvenile, dependency, involuntary commitment, child support, and other matters that may not be encompassed in this Order. Nothing in the Order limits other interested parties in submitting similar orders tailored to the unique circumstances of those matters and any other matters not contemplated by this Order; however, parties are strongly encouraged to contemplate the issues addressed in this Order.

Given the significant number of identified and projected cases of the disease in Washington, the severity of the risk posed to the public, the recommendations of the Health Department, and the authority granted by Order No. 25700-B-602, the current situation demands immediate action by the Courts. NOW, THEREFORE, it is hereby ORDERED that effective immediately and until further Order of the Court –

CIVIL CASES.

1. Temporary Orders. All temporary orders currently in effect will remain in effect until a hearing can be had consistent with the deadlines set in with Order No. 25700-B-606 or any subsequent Order.
2. Pending Motions. All pending Motions are automatically stayed until April 24, 2020 or further Court Order. The moving party may re-note the hearing for after April 24th now, provided that they first reach agreement with opposing counsel/party and the Court Scheduler as to the new hearing date. If agreement cannot be reached, the noting attorney shall then re-note the pending motion for hearing after consulting with the Court Scheduler.

For any emergency matters, the parties shall seek access to the Court consistent with the scheduling directive issued by Kitsap County Superior Court on March 19, 2020. [See the Kitsap County Superior Court website for those instructions.]

For purposes of this Order, an "emergency" is deemed to be one that will result in irreparable harm (i.e. a delay would render any meaningful judgment ineffectual unless immediately heard and enjoined), including those items listed below.

3. Service. Service of process of initial pleadings must continue to conform with standard applicable Civil Rules and Statutes. For all pending hearings, including for Show Cause matters, where proper service of the original hearing was effectuated, any re-noting of the hearing may be done by First Class Mail to the opposing party's address at which they were initially served or to their last known mailing address, if different and if known. For parties represented by counsel, all service other than initial pleadings may be served on the attorney of record by email to their email address of record with the WSBA and shall count as service on the same day as sent.
4. Unlawful Detainer: The following matters shall be considered for emergency hearing for unlawful detainer purposes: 3-day notices for criminal activity; 10-day notices for matters affecting the health and safety of other tenants. Statements may be taken by sworn declaration. Orders presented and writs issued shall recite the basis for emergency hearing and eviction.
5. Status and Settlement Conference. All status and settlement conferences scheduled before a judge will be re-noted after April 24, 2020 and after consultation with the Court Scheduler.
6. Outside Matters. Nothing herein shall be construed to limit or unduly delay matters outside of the Courthouse procedure concerning pending litigation including but not limited to written discovery, document production, depositions, mandatory arbitration or settlement conferences provided that no such activities are to be conducted in person if any party objects to such in-person activity. Provided further, however, that if a responding party provides advance notice to the opposing party of a delay in responding

to discovery or other matter due to circumstances involving COVID-19, or if a continuance of depositions is reasonably requested by any party due to circumstances involving COVID-19, this will constitute adequate grounds for such a delay or continuance, and any such delays or continuances on grounds of COVID-19 will not be deemed appropriate subjects for purposes of a Motion to Compel unless the request is frivolously made by the delaying party. The parties are instructed to cooperate in agreeing to such delay or continuance.

DATED – MARCH 20, 2020

Signed electronically

KEVIN D. HULL, Presiding Judge
Kitsap County Superior Court