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HEIDI PERRY
COUNTY CLERK
SNOHOMISH CO. WASH

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

IN RE THE MATTER OF THE RESPONSE BY SNOHOMISH COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH EMERGENCY IN SNOHOMISH COUNTY AND THE STATE OF WASHINGTON	NO. 2021 7001.31A EMERGENCY ORDER #12 RE: COURT OPERATIONS

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PREAMBLE

WHEREAS on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency under Section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19; and

WHEREAS on February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19); and the state of emergency has not been lifted; and

WHEREAS on March 1, 2020, President Donald J. Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS between March 18, 2020 and the present date, the Washington State Supreme Court has issued multiple Court Orders in response to the public health emergency, including: 25700-B-606 through 25700-B-646; and

WHEREAS on April 10, 2020, Governor Jay Inslee issued Proclamation 20-45 initially changing the requirements for time and service concerning protection orders under 7.90, 7.92,

and 7.94 RCW, 10.14 RCW, 26.09 and 26.50 RCW, and 74.34 RCW, said proclamation terminating by operation of law on May 10, 2020; and

WHEREAS on May 18, 2020, Governor Jay Inslee issued proclamation 20-45.2 based on a May 15, 2020 agreement of the Washington State Senate and House of Representatives to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45.

WHEREAS Governor Jay Inslee has continued to extend to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 until January 19, 2021; and

WHEREAS on April 16, 2020, Governor Jay Inslee issued Proclamation 20-19.1 initially suspending unlawful detainer actions on residential properties unless necessary to respond to a significant and immediate risk to the health or safety of others created by the resident; and

WHEREAS Governor Jay Inslee has continued to extend the suspension of unlawful detainers on residential properties with the most recent extension expiring on March 31, 2021; and

WHEREAS on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49.1 related to garnishments were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first; and

WHEREAS Governor Jay Inslee has continued to extend the waivers and suspensions related to garnishments until January 19, 2021; and

WHEREAS on November 15, 2020, Governor Inslee issued Proclamation 20-25.8 effective 11:59 p.m. on November 16, 2020 and expiring on December 14, 2020 at 11:59 p.m. The Proclamation severely restricted public and private gatherings as a result of a spike in COVID cases statewide. The Proclamation is consistent with the United States Center for Disease Control and Prevention and the Washington State Department of Health (DOH) recommendation implementing community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS the restrictions of Proclamation 20-25.8 were extended in Proclamation 20-25.9 and the restrictions have now been extended until Monday, January 11, 2021 at 11:59 p.m.; and

WHEREAS on November 17, 2020, Snohomish County Executive Dave Somers issued a directive extending remote work for Executive Departments to July 2021; and

WHEREAS, as of December 15, 2020, the rolling two-week average of reported cases per 100,000 population in Snohomish County has increased from 280 on November 16, 2020 to 360 on December 11, 2020 and continues to trend steadily upward and is now over 14 times higher than the targeted rate of 25 cases per 100,000 population; and

WHEREAS the rolling two-week average of reported cases per population in Snohomish County has now increased to 444 per 100,000 population for the period of time from November 29, 2020 to December 12, 2020; and

WHERAS, as of approximately December 15, 2020, adult in-patient overall use in Snohomish County was as follows: Cascade Valley Hospital in Arlington: 73%; Evergreen

Health in Monroe: 58%; Providence Regional Medical Center: 100%; and Swedish Edmonds Hospital: 98%; and

WHEREAS this Court has previously adopted emergency orders which referenced various actions by various governmental entities based on conditions related to COVID-19; and

WHEREAS obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person; and

WHEREAS public health dictates that the court take certain measures, and

Pursuant to the authority given to this Court through Washington State Supreme Court Orders 25700-B-602 through B-646 (and any superseding or modified orders) and the authority granted to the Presiding Judge of Snohomish County Superior Court pursuant to GR 29, this Emergency Order shall be in effect as of January 6, 2020.

NOW THEREFORE, it is hereby ORDERED:

MASKS REQUIRED

1. Any person who shall enter a Snohomish County Superior Court courtroom or the Administrative Offices for the Snohomish County Superior Court MUST wear a mask or covering over the person's mouth and nostrils. Failure to wear such a covering may result in the person being denied entry into those locations. Members of the public must bring their own masks or face coverings; Superior Court is not responsible for providing masks

or coverings to members of the public. Parents must ensure their minor children over the age of two (2) are wearing masks. The following individuals do not need to wear a mask:

a. Any child aged two years or less;

b. Any child aged 12 years or less unless parents and caregivers supervise the use of face coverings to avoid misuse;

c. Any individual who has a physical disability that prevents easily wearing or removing a face covering;

d. Any individual who is deaf and uses facial and mouth movements as part of communication or an individual who is communicating with a person who is deaf and uses facial and mouth movements as part of communication;

e. Any individual who has been advised by a medical professional that wearing a face covering may pose a risk to that individual for health-related reasons;

f. Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance

g. In the Court's discretion, any other compelling reason provided to the Judge or Court Commissioner presiding over the matter to waive the requirement.

Any person unable to wear a mask or face covering because of a disability (as defined by the Americans with Disabilities Act) may go to the ADA Accommodation webpage https://www.snohomishcountywa.gov/509/ADA-Accommodations or may contact Lisa Galvin at Court Administration at (425) 388-3369 to request assistance with an accommodation under the ADA.

IN PERSON APPEARANCES LIMITED

2. The Court will conduct no hearings at the main courthouse in which lawyers, litigants, or witnesses shall be heard while attending in-person, **except** in essential cases or in cases in which a lawyer, litigant, or witness is unable to attend telephonically and where masks and social distancing can be accommodated. Essential cases include criminal or offender matters and petitions for domestic violence protection orders, anti-harassment orders, temporary immediate restraining orders, extreme risk protection orders, vulnerable adult protection orders, and sexual assault protections orders and show cause actions under 59.12, 59.18, and 59.20 RCW where the petitioner is unable to attend telephonically. For all other hearings for which persons would otherwise appear in person, persons will instead appear via Zoom.

3. General Zoom Guidelines:

    a. Zoom hearings may be accessed via phone, computer, tablet, or other internet capable device. Except for those calendars that are designated audio only (Commissioner calendars) or video mandatory (some Criminal calendars), parties may access their hearing by calling into the Zoom number and entering their meeting code, or by using the link or meeting information to access the hearing using the Zoom application on a device that allows for video. Parties and attorneys who have the Zoom application are encouraged to utilize it, even for audio only hearings, and should enter the meeting using their full name. This will expedite the process of being admitted to the hearing, and allowing the hearing to start timely.

b. All participants shall remain muted until asked to unmute themselves. Participants will promptly identify themselves when asked to do so by the clerk or the court. If a hearing is conducted via audio only, participants shall not turn on their cameras. Participants appearing via video shall ensure that they are properly attired, and do not engage in any activity they would not be permitted to engage in while in a physical courtroom. If a participant in a video hearing needs to turn off their camera to address bandwidth issues, they shall seek the permission of the judicial officer hearing the matter before doing so.

c. Links and meeting information for regularly scheduled calendars are available on the Snohomish County Superior Court Website. Special set hearings before a particular judicial officer will have a separate meeting ID, which will be provided in advance of the hearing to those who need it and for whom there is e-mail or telephone contact information.

d. Anyone who has a scheduled hearing must appear via Zoom on the date of the hearing by the time the court calls the case or else the person may be deemed to have failed to appear.

e. Persons appearing in-person on non-essential matters, in violation of the Governor's proclamation and this Emergency Order may not be heard. Essential matters include petitions for domestic violence protection orders, anti-harassment orders, temporary immediate restraining orders, extreme risk protection orders, vulnerable adult protection orders, sexual assault protection orders, and residential, post foreclosure, and manufactured and mobile home unlawful detainer actions.

f. In adult criminal cases and petitions for domestic violence protection orders, anti-harassment orders, temporary immediate restraining orders, extreme risk protection orders, vulnerable adult protection orders, and sexual assault protection orders, and residential, post foreclosure, and manufactured and mobile home unlawful detainer actions, the Court will hear from parties, lawyers, and witnesses who appear in person if they cannot appear telephonically.

CIVIL TRIALS

4. All civil jury trials are SUSPENDED until at least January 22, 2021. In person civil jury trials shall resume when in person criminal jury trials resume. Upon promulgation of new procedures and protocols, civil jury trials will proceed remotely absent an order granting good cause to permit the trial to proceed in person. Upon the resumption of criminal jury trials, which will primarily or exclusively be in person, civil jury trials will resume in person until the procedures and protocols for remote civil jury trials are completed. Lawyers and litigants should anticipate that such procedures and protocols will be established for civil jury trials to take place remotely rather than in person in March 2021.
5. Civil bench trials may proceed remotely, provided technology permits. In this event, attorneys, parties, and witnesses shall participate by telephone, Zoom video, or by telephone through Zoom, in accordance with the Zoom protocol available on the Snohomish County Superior Court website.
6. Civil trial call will take place remotely, unless impossible, via telephone in accordance with the protocol available on the Snohomish County Superior Court website. Any party, attorney, or witness who cannot appear at least telephonically via Zoom for trial or via telephone for Civil Trial Call may appear in person, except that the person must comply

with such safety measures as the Court requires. To appear for Civil Trial Call, parties must call (425) 388-5444 and enter in Conference ID 7507340 by 8:55am for the 9am calendar.

7. Any civil jury trial currently set before January 22, 2021, must be timely confirmed in accordance with the confirmation rule in order to receive a new trial date. Any civil bench trial which can proceed remotely may be assigned out to trial on the date set. All lawyers, parties, litigants, and witnesses shall not attend in person but shall participate through Zoom video or telephonically on Zoom unless it is impossible for them to appear at least telephonically or unless an order permitting such person to attend in person is entered by the Court. Civil trials which cannot proceed remotely shall be CONTINUED in the ordinary course. Any civil case that is not timely confirmed consistent with the confirmation rule will be stricken. Any party may then file a new note for trial setting.

CIVIL MOTIONS

8. All civil motions on the Judges' Civil Motions Calendar, Tuesday through Friday, shall be considered on written materials submitted without oral argument, unless the Judge assigned to that civil motions calendar specifically requests oral argument. Effective Tuesday, January 12, 2021, parties should determine whether oral argument is requested by checking the case notes for their scheduled hearing via the Odyssey Portal at https://odysseyportal.courts.wa.gov/odyportal after 5:30p.m. two days before the hearing. Oral argument will be conducted via Zoom. Parties participating via Zoom shall review the protocols for use and find the Zoom meeting information on the Superior Court website at https://www.snohomishcountywa.gov/5739/Civil-Matters. If no time for the

hearing is indicated on the Odyssey Portal hearing note, parties should appear by 9:30a.m.

CRIMINAL MATTERS GENERALLY

9. In all criminal matters, attorneys may waive their clients' presence unless presence is deemed necessary by the Court.
10. Defense counsel shall provide notice of new court dates to their clients.
11. The Prosecuting Attorney's Office shall summons all pro se defendants for new court dates.
12. Attorneys shall be permitted to sign any orders through digital signature, in accordance with SCLGR RULE 30.A - Digital Signatures.
13. It is the intent of the Court to permit the use of Zoom for remote hearings for criminal hearings to include appearances for arraignments, pleas, the Friday motions confirmations calendar, trial call, and, subject to the discretion of the Judge, certain sentencings. The zoom protocol/procedure and Zoom meeting information and links can be located at: https://www.snohomishcountywa.gov/5740/Criminal-Zoom-Hearings. In cases where all parties will appear by Zoom, they must arrange for the Court to receive proposed orders in advance of the hearing. In cases where one party will be appearing in person, that party should bring the proposed orders to the Court. Absent extraordinary circumstances, parties should expect to present orders to the Court for signature before the end of the calendar on which the matter was heard.
14. SCLCrR 3.2 is hereby suspended.

CRIMINAL JURY TRIALS

15. All criminal jury trials are suspended until at least the criminal trial call calendar on Friday, January 22, 2021.

16. When jury trials resume, any in-custody defendant whose case is assigned out for trial shall be administered a Rapid COVID test by Snohomish County Corrections prior to transport on each day the defendant is to appear for trial. The test shall be administered at a time that ensures the results of the test will be available prior to the scheduled trial start time. The results of the test shall be provided to the law clerk of the assigned trial judge.

17. To the extent possible all attorneys shall maintain six feet of distance between themselves and everyone else in the courtroom, including when at counsel table. All participants are encouraged to use, and the trial judge may require them to use, a mask of KN90 grade or higher. The Court will seek to make such masks available.

CONTINUANCES AND TIME FOR TRIAL

18. Based upon the Court's previous emergency orders finding that the serious danger posed by COVID-19 is good cause to continue and also constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time between March 13, 2020 and the next scheduled hearing after October 15, 2020, and the time between November 17, 2020 and January 22, 2021, shall be EXCLUDED for purposes of calculating time for trial under CrR 3.3(e)(3) and (8) and pursuant to the Supreme Court's Revised and Extended Orders Regarding Court Operations, 25700-B-615, dated April 13, 2020 (the April 13 Supreme Court Order) and 25700-B618, dated April 29, 2020 (the April 29 Supreme Court Order); and pursuant to the previous Emergency Orders of the Snohomish County Superior

Court. Time for trial for cases set under this provision shall not expire before January 22, 2021 unless it expired prior to November 17, 2020. Previous findings regarding waiver periods and new commencement dates excluded based on previous Emergency Orders remain in effect and are hereby extended. Previous findings of a new commencement date in Supreme Court and Snohomish County Superior Court orders remain in effect.

19. With regard to continuances, the following rules shall apply until further order of the Court:

    a. Consistent with the Supreme Court Order of September 10, 2020 an attorney's signature constitutes representation that the client has been consulted and agrees to the continuance.

    b. While this Court acknowledges and adopts the Supreme Court Order for calculating time for trial and excluded period as well as the representation made by virtue of the attorney's signature on any court order, the process established in Emergency Order 10 paragraphs 4 (c) and 4 (d) should be followed. They state the following:

        i. For all criminal trials continued with a waiver, the new time for trial will be in accordance with the order of continuance. For all waivers of time for trial in lieu of an express waiver for trial, the Court will accept a written attestation from defense counsel that the defendant understands and wishes to waive his or her right to time for trial.

        ii. An order continuing a criminal case need not be signed by the defendant to be approved, provided it sets a trial within the time for trial set out above or, if set for trial beyond the time for trial set out above, if the

defense attorney attests that he or she has reviewed the time for trial rights with the defendant, the defendant acknowledges understanding of those rights, and the defendant agreed to those dates in the order.

CRIMINAL HEARINGS AND CRIMINAL MOTIONS

20. Effective August 3, 2020, there will be two criminal hearings departments: Courtroom 1A and one other designated courtroom. The criminal hearings schedule is posted on the Superior Court's website as Criminal Hearings Restart Calendar.
21. Criminal trial call will take place in Courtroom 1A on Fridays at 9:30 a.m. The court will hear agreed continuances at 9:30 AM on Fridays and encourages the parties to submit agreed continuances before then. Contested motions to continue will not be heard on the criminal trial call calendar but must be heard on a different criminal hearings or criminal motions calendar. If it is apparent that the trial needs to be continued due to this Emergency Order and the parties are not in agreement with a continuance, the prosecuting attorney should file a motion to continue the trial on a criminal hearings or criminal motions calendar. Contested continuances should not be set on the criminal trial call calendar.
22. Extended criminal motions will be scheduled as follows: An attorney or party who has a motion that will require more than 10 minutes of court time shall complete a Criminal Calendar Note that will place the matter on a Friday 3pm Criminal Motions Call Calendar in Courtroom 1A. Motions must be filed a minimum of five (5) days' before the Criminal Motions Call Calendar A mandatory form Calendar Note will be posted on the court's website for this purpose. The Calendar Note will identify a preferred and an alternate

date and time for the motion to be heard the week following the Criminal Motions Call Calendar. The Calendar Note must be filed and served on all parties and sent to the criminal hearings email (hearings.ssc-criminal@co.snohomish.wa.us) not less than five (5) days before the Friday Criminal Motions Call Calendar. By filing a Calendar Note, the attorney/party represents to the Court that the initial briefing necessary for the matter has been filed, that all parties and witnesses necessary for the hearing are available, that all necessary briefing will be complete by the Criminal Motions Call Calendar, and that the attorney/party will provide working copies of all briefing to the Court at the Criminal Motions Call Calendar. The law clerk monitoring the criminal hearings email will tentatively schedule matters into a requested hearing slot. Where there are scheduling conflicts, the law clerk will notify the affected attorneys/parties. The requested date, time and location for a hearing will not be confirmed until the Friday 3:00pm Criminal Motions Call Calendar. Unless otherwise directed, a defendant is not required to appear at the Criminal Motions Call Calendar, but defense counsel must notify the defendant when and where to appear for the subsequent motion hearing.

23. Out-of-custody arraignments shall be handled remotely through Zoom pursuant to the Zoom Protocols and Procedures for Criminal Hearings and Extended Criminal Motions located at: https://www.snohomishcountywa.gov/5740/Criminal-Zoom-Hearings.

24. The court will set no omnibus hearings as a matter of course until further notice. The parties are encouraged to submit agreed omnibus orders ex parte. Either party may note a matter for omnibus on any criminal hearings calendar in Courtroom 1A.

25. Parties wishing to note a matter in Courtroom 1A may e-mail a scheduling request to the criminal hearings e-mail, at hearings.ssc-criminal@co.snohomish.wa.us. The e-mail must state in the subject line the date and time requested for the hearing.
26. An attorney representing a criminal defendant in a hearing that may result in the defendant being released from the Snohomish County Jail should advise the Presiding Judge of this a minimum of one (1) day prior to the hearing so the Presiding Judge can attempt to assign the matter out to a particular department, if there is no availability to hear it in Courtroom 1A or the second criminal hearings courtroom. If the matter cannot be heard in one of the criminal hearings courtrooms, the time of the hearing will be dependent on the schedules of the judge, the attorneys, and transport.
27. The 1:00 PM video calendar will take place in Courtroom 1A Monday through Friday and shall be limited to 20 defendants. In-custody arraignments, in-custody CSV matters, and in-custody motions to review bail upon proper notice or by agreement of the parties may all be scheduled on the video calendar.
28. Motions to vacate and motions for certificates of discharge shall be heard on the pleadings only unless a criminal hearings judge requires telephonic argument.
29. The Court sitting in Courtroom 1A will hear no RALJ matters. Ex-parte agreed orders re-setting dates or requesting assignment may be presented to a criminal hearings judge.
30. The Court may hear in-custody criminal matters by audio-video means. The defendant need not be transported.
31. The Court hereby suspends CrR2.2(g) until modified by a subsequent Emergency Order or to a time when the Court is not operating under the terms of an Emergency Order.

32. If an in-custody defendant must be transported to a hearing in a criminal hearings courtroom, that hearing may only be scheduled to start at 9:00 AM, 10:00 A.M., 11:00 AM, 2:00 PM, or 3:00 PM. To support sound public health practices by the Corrections transport officers, likely no more than six (6) in-custody defendants will be transported for any one of the six identified time slots. An in-custody defendant may be transported for a matter in a criminal hearings courtroom as may be scheduled in accordance with the Criminal Hearings Restart Schedule. The schedule will be posted on the Superior Court website.

BAIL REVIEW HEARINGS

33. Any in-custody defendant may file a motion for bail review on shortened time on the daily criminal hearings calendar if the hearing will take less than 10 minutes. If it will take longer than 10 minutes, it may be noted on shortened time on the daily extended motions calendar for review of bail. The parties can find Hearing Availability at https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules. Prior to requesting a date and time for the bail review motion to be set before either the criminal hearings judge or the extended criminal motions judge, the party noting the motion shall check the website above to assure availability. On any nonviolent offense, a motion for bail review may be noted on the calendars with 24 hours' notice of the hearing. On a violent offense, a motion for bail review may be noted with 48 hours' notice. Violent Offense is as defined in RCW 9.94A.030(55) and any sexually related charge. All working copies for the motion shall be sent electronically to the law clerk of the Judge scheduled to hear the motion on the set date and time. A calendar note should be filed and electronically

provided with the working copies identifying the appropriate calendar, the date and time for the hearing, and the anticipated time the hearing will take.

WARRANT AUTHORIZATION CALENDAR

34. Starting December 11, 2020, and so long as the Supreme Court Orders require that the facts supporting the issuance of a warrant be current and recited on the record, there shall be a Warrant Authorization Calendar to be heard in the Courtroom of the Judge assigned to that calendar unless that courtroom is unavailable. The calendar will take place every Friday at 1pm, except for Court Holidays, when this calendar shall take place at 1pm on the last court day of that week. During this calendar, the Court will hear any bench warrant requests for any matters from that week, including the trial call calendar that morning, and any matters in which the Court, on its own motion, is considering the authorization and issuance of a bench warrant. Motions for bench warrants need not be noted on the Friday 3pm Motions Call Calendar and will not require the filing of a calendar note or motion. Lawyers seeking or opposing bench warrants on this calendar should appear remotely.
35. This calendar will be held remotely via Zoom to limit the number of participants in the courtroom. The protocols for this hearing and the Zoom link for participation can be found at: https://www.snohomishcountywa.gov/5740/Criminal-Zoom-Hearings.
36. State prosecutors seeking bench warrants for failure to appear may forego the hearing by presenting the Court with an affidavit setting out the facts the prosecutor believes support the issuance of a bench warrant together with any additional materials that support the request together with proposed findings and a proposed warrant authorization for the

Court's consideration in chambers, provided the prosecutor has informed the Court on the record, in the presence of opposing counsel, that the prosecutor wishes to do so. The prosecutor must also provide a copy of any materials provided to the Court to the defense but need not do so before the Court considers the request. If the prosecutor indicates intention to proceed in this manner, defense counsel may also file and provide the Court a working copy of an affidavit and any materials in opposition to the State's request, provided the defense counsel has informed the Court in the presence of opposing counsel, that defense counsel wishes to do so. Defense counsel must also provide a copy of any materials provided to the Court to the State but need not do so before the Court considers the affidavit. All affidavits provided to the Court for review must be filed with the Clerk of Court.

CIVIL TRIALS/ARBITRATIONS

37. Parties in civil matters shall conduct depositions remotely, whether of a party or a witness absent agreement of the parties or a finding of good cause for an in-person deposition. The same rules for mask wearing that pertain to the courthouse shall pertain to any deposition in a case filed in this Court. Participants in a deposition shall exercise proper social distancing. COVID shall not constitute good cause for delay of discovery unless the Court shall find that it does or the parties so agree.

38. Parties shall confer at least 14 days prior to trial to prepare the following:

    a. An agreed document identifying which factual and legal issues are agreed and which are disputed;

    b. An agreed document indicating which motions in limine are agreed and which remain to be argued;

c. Agreed jury instructions, both cited and uncited, and disagreed proposed instructions, both cited and uncited. The parties shall file the above documents and provide the Court working copies no later than Civil Trial Call.

39. Arbitration hearings pursuant to RCW 7.06, the Superior Court Civil Arbitration rules shall be conducted remotely unless the parties agree otherwise, appropriate social distancing can be accommodated, and masks are required. Remote proceedings require the ability for the Arbitrator and attorneys to be able to visually observe the witnesses in addition to being able to hear the witnesses, unless the parties agree otherwise or the Arbitrator agrees the witness may testify by phone without video.

ADR/MEDIATION COMPLIANCE CALENDAR

40. Pending further order of the Court, the requirement to attend the ADR/Mediation Compliance Calendar in person, pursuant to SCLSPR 94.04(c) is suspended and these hearings will be held without oral argument. No party, counsel, or GAL shall appear at their scheduled hearing, except as set forth below. The Court, on or shortly after the date of the scheduled hearing, will review the court file to determine what action to take. In order to assist the Court in making appropriate decisions, parties are encouraged to file an ADR Compliance Status Report within 21 days before their scheduled hearing. The ADR Compliance Status Report can be found on the Court's website. If the form is filed less than seven (7) days before the hearing, a working copy should also be e-mailed to the Court at compliance.SSC-ADR@co.snohomish.wa.us. Beginning January 2021, a Zoom calendar will be heard one or two times per month. The purpose of this hearing is to allow additional oversight for cases where the ADR Compliance Judge determines that a

hearing is required. These cases shall be heard through Zoom and the Zoom link information will be printed on the Court order if a case is set to the Zoom calendar.

COMMISSIONER CALENDARS

41. All Commissioner Calendars

a. Working copies and proposed orders for all commissioner calendars shall be delivered timely and consistent with the court rules to the temporary confirmations room, which is located on the first floor of the Snohomish County Courthouse, at the end of the hallway past the Commissioner's departments.

b. Appearances in the Commissioner departments, where oral argument is required or requested, will be conducted via Zoom. All information for connection to Zoom for a hearing in the commissioner department can be found on the Snohomish County Superior Court's Commissioner Hearings website (https://www.snohomishcountywa.gov/5657/Commissioner-Hearings). Hearings will be Participants via Zoom shall not enable video at any time during the hearing; their hearing will be conducted using audio only. Where possible, parties are encouraged to connect via the Zoom application, which will identify the participant by name, and expedite the process of entry into and the start of the calendar. All participants should mute their audio until their matter is being addressed by the Court. Parties who wish to completely block their phone numbers from appearing in the zoom application can find instructions on how to do so on the website for Snohomish County Superior Court. Parties who do not block their phone numbers will only have a portion of their number visible during

the Zoom hearing. Pursuant to CR 16, SCLAR 0.02(a) and Administrative Order 37-20, the recording of any courtroom proceeding without the express permission of the judicial officer is strictly prohibited.

c. In the event more cases are confirmed for a Commissioner Calendar than the limit, the Court shall have discretion to continue confirmed matters and to hear matters that were confirmed after the confirmations limit was reached.

42. Family Law Domestic Motions calendar:

a. The family law domestic motions calendar will be limited to a maximum of 16 confirmed cases. Parties should anticipate that contempt motions, motions related to primary care of children, and motions for immediate relief/restraining orders will have priority when being confirmed. Cases that are confirmed over the limit will be continued to an overflow calendar, so long as such calendars are available, based on resources, technology, etc. In such a case the Confirmations Clerk will continue the matter to a new hearing date on an overflow calendar and attempt to notify the parties. If one party is self-represented and the other is represented by an attorney it shall be the obligation of the attorney to notify the self-represented litigant of the new hearing date. All attempts will be made to reschedule the new hearing date for later in the same week or the following week. Any matters continued will be court confirmed. If the parties want to agree on a date different than what is set by the confirmations clerk they may contact the confirmations clerk SSC-HearingConfirmations@snoco.org to request the matter be set on the agreed date. If the parties cannot agree on a new date the matter may be renoted.

b. Parties and attorneys should anticipate oral argument by Zoom, except that the judicial officer may decide to waive oral argument. Parties and attorneys should anticipate that the judicial officer will hear oral argument for motions for contempt and temporary relief, but will consider such motions as default or presentation of arbitration awards upon submitted materials. To learn whether a motion will require oral argument and in which department oral argument will be heard, parties and attorneys should consult https://www.snohomishcountywa.gov/5657/Commissioner-Hearings after 5:30p.m. two days before the hearing. Links to participate via Zoom and general Zoom information may also be found at that link. Parties participating via Zoom must call in or otherwise connect to the application, be available on Zoom just as if they were present in court, and follow all Zoom Protocols set forth above. Failure to do so may be grounds to strike or terminate the hearing or proceed without the participation of any missing party. The moving party shall provide a signed proposed order to the court at the time working copies are provided to the Court prior to the hearing. Failure to do so may result in the matter being stricken.

43. Guardianship/Probate

a. Effective January 1, 2021, petitions for new RCW 11.88 guardianships on the Guardianship/Probate calendars shall be heard telephonically. All other matters on these calendars shall be heard without oral argument absent request by the Court. This calendar shall be limited to a total of fourteen (14) confirmed cases, subject to the rules set forth above. Parties may determine whether oral argument is

requested by checking the Snohomish County Superior Court Commissioner Hearings Page https://www.snohomishcountywa.gov/5657/Commissioner-Hearings after 5:30 p.m. on the last day of the confirmation period. Parties participating via Zoom must call in or otherwise connect to the application, be available on Zoom just as if they were present in court, and follow all Zoom Protocols set forth above. Failure to do so may be grounds to strike or terminate the hearing or proceed without the participation of any missing party. The moving party shall provide a signed proposed order to the court prior to the hearing. Failure to do so may result in the matter being stricken.

b. Effective January 4, 2021, a Minor Guardianship Calendar is created and will be heard on Wednesdays at 10:00am in Courtroom 1E. Hearings on Minor Guardianship actions filed pursuant to RCW 11.130, known as the Uniform Guardianship Act, shall be heard on that calendar, unless otherwise set by the Court. This calendar is created because of a change in the law, and not due to the current pandemic. For more information on this calendar, parties should review the Snohomish County Superior Court Minor Guardianships Page: https://snohomishcountywa.gov/5760/Minor-Guardianships.

44. Ex Parte

a. The Commissioner ex-parte department will be open daily from 9 am to 10:30 am and 1:00 pm to 2:30 pm. Only emergency matters may be brought before the ex-parte Commissioner in person. All parties and attorneys shall bring their own copies of any pleadings they wish to conform. Failure to bring copies may result

in delay in the ability to get a copy of any signed order or pleading. No in-person matters will be heard in ex-parte except for the following:

1. Motions for Immediate Restraining Orders that request either a change in primary care or a request for removal of a party from a residence;
2. Protection Orders including vulnerable adult protections orders, sexual assault protection orders, extreme risk protection orders, domestic violence protection orders, and anti-harassment protection orders;
3. Writs of Habeas Corpus;
4. Orders to show cause for Unlawful Detainers.
5. Orders to show-cause for contempt.
6. Adoption proceedings for temporary placement of minors currently hospitalized or other emergent issues;
7. Motions to Appoint a GAL on Petitions for Guardianship of an AIP in the hospital or based on other emergent needs; and
8. Until the effective date of the repeal of RCW 26.10, the following matters in a third party custody proceeding:

    a) Motion for default and/or

    b) Presentation of Final Orders based on a Finding of Default or by agreement of the parties on condition that the proper background checks are provided, the State has signed off on a Final Child Support Order (if necessary) and all Final documents not entered on the basis of default are signed by all necessary parties.

b. Court Administration will no longer receive or process any ex-parte requests. Parties with agreed orders requiring approval sooner than the ex-parte mail service may place their agreed orders in a designated basket at the far corner of the hallway of the Commissioner courtrooms on the first floor of the courthouse. The Court will file any order that it has approved and file a rejection letter if it has rejected a proposed order. It will be the responsibility of the party to obtain it from the court file when available. Final Orders on a dissolution or requiring a Judicial Information System Background Check (including a final parenting plan) must be submitted ex parte via the clerk or on the Agreed Dissolution Calendar. These matters shall not be heard in person in the ex parte department.

c. Petitions for vulnerable adult protection orders, sexual assault protection orders, extreme risk protection orders, domestic violence protection orders, and anti-harassment protection orders may also be electronically submitted to the Court per instructions posted at https://snohomishcountywa.gov/PO. No other requests for relief will be accepted electronically. The Clerk's Office shall defer any statutorily required filing fee for new petitions for protection orders filed electronically and shall collect no filing fees until after the return hearing. The petitioner may receive the resulting order by e-mail and may request a certified copy be mailed.

d. The requirements for personal service for a protection order or a temporary protection order are suspended, except as to orders directing the surrender of weapons or removal of the respondent from a shared residence. The requirement

for personal service shall be waived and suspended pursuant to the Governor's Proclamation 20-45.9 until 11:59pm on January 19, 2021.

e. Temporary restraining orders pursuant to CR 65(b) shall expire according to their terms, but shall in any case expire by (21) days following entry.

45. Commissioner Civil Motions

a. The Commissioner Civil Motions Calendar will proceed as prior to emergency orders except that:

i. The judicial officer will review matters on the written materials submitted. If the judicial officer requires telephonic oral argument, the parties may learn this by checking the Snohomish County Superior Court Commissioner Hearings Page https://www.snohomishcountywa.gov/5657/Commissioner-Hearings after 5:30 p.m. on the last day of the confirmation period. Oral argument will be conducted via Zoom. Parties participating via Zoom must call in or otherwise connect to the application, be available on Zoom just as if they were present in court, and follow all Zoom Protocols set forth above. Failure to do so may be grounds to strike or terminate the hearing or proceed without the participation of any missing party. Moving parties shall submit a proposed order with their working copies. Failure to do so may be grounds to strike the matter.

ii. Pursuant to Governor's Proclamation 20-19.3, the Court will not hear unlawful detainer actions for default payment of rent for residential property, nor shall it hear actions on writs of restitution involving a

dwelling where the allegation is a failure to timely pay rent. Effective immediately, all actions for unlawful detainers will remain on the Commissioner Calendar. Pursuant to Governor's Statement on December 23, 2020, the Court will not hear any actions for residential ejectment or unlawful detainer until 11:59p.m. on March 31, 2021, except in those cases where the resident poses a significant and immediate risk to the health or safety of others. Any further extensions and/or modifications of the moratorium on residential evictions by Governor Inslee are hereby adopted as part of this order. Residential unlawful detainer actions not prohibited by a Governor's Proclamation or amendment thereto will be heard remotely on the Commissioner Civil Motions calendar at 10:30a.m. using Zoom. The parties are urged to attempt to reach an agreement on payment and repayment solutions through mediation as urged by Governor Inslee in his proclamation and are permitted to do so prior to the end of the moratorium. When the moratorium on residential evictions end, the Court strongly urges and recommends that the parties proceed with mediation prior to the filing of any residential unlawful detainer action with the Court.

iii. Petitions to restore firearm rights shall follow the process below.

1. A petition and all supporting documents shall be filed with the clerk and a copy served on the Snohomish County Prosecuting Attorney's office at the e-mail address below. Supporting documents shall include: a declaration of the petitioner, all

evidence establishing that the petitioner has completed the requirements of the disabling offense and/or any district/municipal court dockets. A proposed order shall be included with the documents served on the Prosecutor's Office

2. At the initial time of filing, a Note for Hearing **shall not** be filed.
3. The Prosecuting Attorney's Office may be served by email at Diane.Kremenich@co.snohomish.wa.us.
4. If the prosecutor agrees the petitioner is entitled to restoration of firearm rights, the proposed agreed order will be provided to the Commissioner for signature.
5. If the prosecutor objects to the Petition to Restore Firearms, the prosecutor shall promptly notify the petitioner or his or her attorney and then the matter can be noted for hearing.
6. There will be a total of three (3) confirmed contested Petitions to Restore Firearms for each commissioner civil motions calendar.

iv. Pursuant to the Proclamation of December 8, 2020 from Governor Jay Inslee, until the earliest of either the termination of the COVID-19 State of Emergency or 11:59 p.m. January 18, 2021, there shall be no garnishments of any bank accounts to collect judgments for consumer debt.

46. Finalization of Dissolution Actions

a. Cases on the pro se dissolution calendar shall be heard on the materials submitted and without oral argument. A party seeking to enter final orders shall present evidence by declarations or affidavits in lieu of testimony, in the form directed by

the court and available on the court website. Litigants shall provide agreed or default orders to the court by noon at least two (2) days prior to the hearing date. Failure to do so may result in the hearing being stricken.

b. Attorney-involved default/agreed dissolutions, legal separations and invalidity actions shall be set by calendar note on Thursdays in Department A at 1:00 pm. A party seeking to enter final orders shall present evidence by declarations or affidavits in lieu of testimony in the form directed by the court and available on the Court's website. Agreed orders must be provided to the court by noon at least one (1) day prior to the hearing. Failure to do so may result in the matter being stricken. Any matter on this calendar must be confirmed in accordance with existing local court rules.

47. Interpreter calendars.

a. Interpreter calendars shall be conducted telephonically. Oral argument will be conducted via Zoom. . Parties participating via Zoom must call in or otherwise connect to the application, be available on Zoom just as if they were present in court, and follow all Zoom Protocols set forth above. Failure to do so may be grounds to strike or terminate the hearing or proceed without the participation of any missing party. Interpreter calendars shall be limited to a total of four hearings per calendar unless, in the discretion of the Court Commissioner, the number of hearings for a particular calendar can be expanded. Parties should anticipate that petitions for anti-harassment orders, domestic violence orders, contempt matters, and emergency parenting plan matters will have priority. Anti-harassment orders

and domestic violence orders need not be confirmed and will have priority. All other matters must be confirmed.

b. If the total number of confirmed cases on a calendar exceeds the limit, then the judicial officer may expand the calendar or continue matters to the next available date, not to exceed twenty-one (21) days out, unless he or she decides to expand the number of cases on the calendar, a copy of the ex-parte order continuing the hearing and extending the restraints will be mailed to the parties or their attorneys at the address provided to the Court if all parties have been properly notified of the hearing dates set. If not, service may be made through law enforcement. Mailing of the order shall be deemed effective service.

48. Weapons surrender hearings shall proceed as usual.

49. All special set hearings and extended hearings shall be conducted via Zoom. To connect to a Zoom hearing, a party must follow the procedures set forth on the Snohomish County Superior Court Commissioner Hearings page: https://www.snohomishcountywa.gov/5657/Commissioner-Hearings.

50. Matters on the State paternity calendar shall be conducted via Zoom. To connect to a Zoom hearing, a party must follow the procedures set forth on the Snohomish County Superior Court Commissioner Hearings page: https://www.snohomishcountywa.gov/5657/Commissioner-Hearings. Until further notice, there will be no in-custody contempt or paternity matters heard, unless the hearing can be conducted via video conference.

51. Effective February 3, 2021, the Guardian Ad Litem compliance calendar will be heard at 9:00am on the 1st, 3rd, and 5th Wednesdays of each month. The hearings will be with oral

argument unless the judicial officer determines that the matter will be considered on the pleadings only and without oral argument. Parties should go to the Snohomish County Superior Court Commissioner Hearings Page at https://www.snohomishcountywa.gov/5657/Commissioner-Hearings after 5:30p.m. two days before the hearing to see whether oral argument has been requested. If the hearing is noted for oral argument to connect to a Zoom hearing, a party must follow the procedures set forth on the Snohomish County Superior Court Commissioner Hearings page: https://www.snohomishcountywa.gov/5657/Commissioner-Hearings. Failure to appear at a GAL compliance hearing after oral argument has been requested may negatively impact your case.

INTERPRETER SERVICES

52. Persons having a right to be heard who need interpreter services for hearings in the main courthouse may request such services by calling 425/388-3421 or by e-mailing ssc-interpreter.support@snoco.org or de.brandstrom@snoco.org. Persons having a right to be heard who need interpreter services for hearings at the Denney Juvenile Justice Center may request such services by calling 425/388-7960 or by e-mailing toni.elmendorf@snoco.org. Interpreter services may be telephonic for all case types without limitation, including evidentiary hearings, notwithstanding GR 11.3.

OTHER MATTERS

53. Return hearings on petitions for extreme risk protection order, vulnerable adult protection orders, and sexual assault protection orders will be heard remotely in Department 10/ Courtroom 5D at 9:00 AM using Zoom. In order to receive the Zoom information, parties

must first call into the Civil Trial Call Calendar at (425) 388-5444 and enter in Conference ID 7507340 by 8:55am for the 9am calendar. The petitioner must see that the Court has his or her telephone number and e-mail address, the telephone number and e-mail address of the respondent if known, and, in the case of a petition for a Vulnerable Adult Protection Order, the telephone number and e-mail address of the vulnerable adult, if known. Parties who cannot appear telephonically may appear in person in Department 10/ Courtroom 5D.

54. A supplemental emergency order addresses matters at Denney Juvenile Justice Center not addressed in this order.
55. Any matters not addressed in this emergency order shall proceed in the manner consistent with all State and Local Court rules.
56. For all calendars, moving parties shall provide the judicial officer with a proposed order. The Court may strike any matter for which there is no proposed order.
57. Parties should refer to the Snohomish County Superior Court website for updates or modifications to court procedures.

This Order will take effect January 6th and will remain in effect until further order of the Court. This order shall supersede both Emergency Order #1, Emergency Order #2, Emergency Order #5, Emergency Order #6, Emergency Order #7, Emergency Order #8, and Emergency Order #9, Emergency Order #10, Emergency Order #11 together with any amendments to any of them, only to the extent those orders and amendments are inconsistent with this order. This order shall further supersede Superior Court Administrative Order 11-12 and Washington State Supreme Court's Amended Order No. 25700-B-626, to the extent those orders are inconsistent

with this order, and this order shall constitute a temporary modification of Snohomish County Local Court Rules to the extent those rules are inconsistent with this order.

DATED this 6th day of January, 2021

Judge Bruce I. Weiss
Presiding Judge