FILED

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

2020 SEP -4 PM 2:58

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH

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. 2020-7012-31-A EMERGENCY ORDER #10 RE: COURT OPERATIONS

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

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 on March 23, 2020, in response to the Covid 19 emergency, Governor Jay Inslee issued a proclamation prohibiting all people in Washington from leaving their homes, except to conduct or participate in essential activities. In complying with the prohibition, lawyers, litigants, and witnesses will be unable to attend court for nonessential hearings unless by means of a system for telephonic or video appearance, and

WHEREAS on March 24, 2020, Snohomish County Executive Dave Somers signed Emergency Executive Order No. 20-04, stating, "all people in Snohomish County shall immediately cease leaving their home or place of residence except (1) to conduct or participate in essential activity and/or for employment in essential business services," and

WHEREAS on April 2, 2020, Governor Jay Inslee extended the terms of his March 23, 2020 proclamation to May 4, 2020, and

WHEREAS on April 10, 2020, Governor Jay Inslee issued Proclamation 20-45 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, and

WHEREAS on May 10, 2020, Proclamation 20-45 was not extended and terminated by operation of law, 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 on April 16, 2020, Governor Jay Inslee issued Proclamation 20-19.1 suspending until June 4, 2020 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 on May 4, 2020, Governor Jay Inslee issued Proclamation 20-25.3, extending until June 1 the prohibitions relevant to this order, 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 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, on May 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49.1 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 27, 2020, whichever occurs first, and

WHEREAS, on May 26, 2020, Governor Jay Inslee amended and extended his previous Proclamations 20-05, 20-49, 20-49.1, and 20-49.2, 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, at least through September, 2020, the court take certain measures,

NOW THEREFORE, it is hereby ORDERED, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-625 and the authority of the Presiding Judge of the Snohomish County Superior Court, that the following shall be in effect May 28, 2020:

Masks Required

1. Effective May 18, 2020, 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.

Civil Trial Call

2. All six person civil jury trials are SUSPENDED until at least August 31, 2020. All 12 person civil jury trials are suspended until at least January 2, 2021. 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 a Zoom protocol which will be available on the Snohomish County Superior Court website. Civil trial call will take place remotely, unless impossible, via telephone in accordance with a protocol which will be 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.
3. Any six person civil jury trial currently set before August 31, 2020 and any 12 person civil jury trial set before January 2, 2021, must be timely confirmed in accordance with the confirmation rule in order to receive a new trial date. Any civil bench trial currently set for June 1, 2020 or afterward 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.

Criminal Matters

4. Continuances and Time for Trial

   a. 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 September 1, 2020 or any new trial date before then, whichever comes first, 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). Time for trial for cases set under this provision shall not expire before September 30, 2020, and to the extent that time for trial exceeded thirty days at the time of the continuance, it shall also extend beyond September 30, 2020.

   b. For all criminal trials previously continued without a waiver pursuant to any Snohomish County Superior Court emergency order prior to April 20, 2020, May 5, 2020 shall be the new commencement date for purposes of calculating time for

trial under CrR 3.3(e)(3) and (f)(2) and pursuant to the April 13 and April 29 Supreme Court Orders, except any such cases that have trial dates set before July 2 shall be continued in accordance with this order.

c. 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.

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

    i. 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.

    ii. Defense counsel shall provide notice of new court dates to their clients.

    iii. The Prosecuting Attorney's Office shall summons all pro se defendants for new court dates.

iv. Attorneys shall be permitted to sign any orders through digital signature, in accordance with SCLGR RULE 30.A - Digital Signatures.

e. Through September 1, new trial settings at arraignment or return on warrant shall be set in accordance with a commencement date of September 1 regardless of when the trial setting hearing takes place. Time for trial shall not run out for in-custody cases before October 30, 2020, nor for out-of-custody cases before November 30, 2020.

5. Criminal Hearings and Criminal Motions

a. Effective August 3, 2020, there will be two criminal hearings departments: C304 and one other designated courtroom. The criminal hearings schedule will be posted on the Superior Court's website and a copy of that schedule is attached hereto.

b. Criminal trial call will take place in C304 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 and not on the criminal trial call calendar.

c. Beginning the week of May 18, 2020, 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 C304. Motions must be filed with a minimum of five (5) days notice. 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. 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 C304.

d. Parties wishing to note a matter in C304 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.

e. 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 C304, in C201, or Department 12. If the matter cannot be heard in any of the criminal hearings courtrooms, the time of the hearing will be dependent on the schedules of the judge, the attorneys, and transport.

f. The 1:00 PM video calendar will take place in C304 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.

g. Motions to vacate and motions for certificates of discharge shall be heard on the pleadings only unless a criminal hearings judge requires telephonic argument.

h. The Court sitting in C304 will hear no RALJ matters. Ex-parte agreed orders re-setting dates or requesting assignment may be presented to a criminal hearings judge.

i. The Court may hear in-custody criminal matters by audio-video means. The defendant need not be transported.

j. 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.

6. 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.

7. Special set sentencings for out-of-custody defendants have been continued to a date after June 1, 2020, to be arranged with the Judge's law clerk assigned to that special set sentencing.

   a. In-custody special set sentencings may be heard in Department C304 on the 3:00pm calendar or in the other Criminal Hearings Department on the 1:00pm calendar Monday through Friday. The originally assigned judge may also choose to hear it at a different time.

8. CrR 2.2(g) is hereby suspended.

Zoom Use for Criminal Hearings

9. 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, and, subject to the discretion of the Judge, certain sentencings. A zoom protocol/procedure will be created and placed on the website for the Court.

Civil Trials/Arbitrations

10. Depositions in all civil matters for all parties, lay witnesses, and experts shall be performed remotely absent agreement of the parties or a finding of good cause by the Court to require the depositions be performed in person. To the extent any deposition is performed in person, proper social distancing and masks shall be required. Remote depositions shall be performed through electronic means where the person to be deposed can be visually observed rather than telephonic only. COVID is not good cause for delay of discovery unless the parties agree it constituted good cause or such a finding is made by the Court.
11. Parties shall confer at least 14 days prior to trial to accomplish the following:
    a. Prepare an agreed document identifying which factual and legal issues are agreed and which are disputed;
    b. Prepare an agreed document indicating which motions in limine are agreed and which remain to be argued;
    c. Exchange and review proposed jury instructions in order to be able to provide the Court with a set of instructions that are agreed on the first day set for trial. Each side will also have to provide copies of proposed instructions that are not agreed.
12. 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.

ADR/Mediation Compliance Calendar

13. 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. 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.

Commissioner Matters

14. All Commissioner Calendars

    a. If a calendar is over the confirmation limit, at the sole discretion of the Court, certain matters may be continued and other matters may be confirmed by the Court even though the matter was confirmed after the confirmation limit was reached.

15. The following rules shall be in effect until further order of the Court.

    a. Family Law Domestic Motions calendar

The family law domestic motions calendar will be limited to a maximum of 16 confirmed cases. Parties whose cases will not be heard due to exceeding the limit may agree to a new hearing date. Otherwise, their matters will need to be re-noted. Parties should anticipate that contempt motions, motions related to primary care of children, and motions for immediate relief/restraining orders will have priority.

Hearings will be on submitted materials and WILL BE HEARD with oral argument unless the judicial officer waives oral argument. While it will be determined by the Court Commissioner whether to waive oral argument, generally it will not be waived for motions for contempt and temporary relief. Oral argument is more likely to be waived on motions for default and motions to present awards on arbitration. Parties should go to https://www.snohomishcountywa.gov/5657/Commissioner-Hearings after 5:30p.m. two days before the hearing to learn the hearing is noted for oral argument and which department will hear their case. Links to participate via Zoom and general Zoom information may also be found at that link. Effective, August 17, 2020, any oral argument will be via Zoom. Parties participating through Zoom must call into the application and be available just as if they were present in Court. To connect via Zoom, a party must follow the procedures set out in 16(c) below. Failure to do so may be grounds to strike 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.

Temporary restraining orders pursuant to CR 65(b) shall expire by its terms within such time after entry, not to exceed twenty-one (21) days.

b. Guardianship/Probate

Petitions for new guardianships on the Guardianship/Probate calendars shall be heard with telephonic oral argument. All other matters shall be done 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 if 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. Effective August 17, 2020, oral argument will be conducted via Zoom. Parties participating via Zoom must call in to the application and be available on Zoom just as if they were present in court. To connect to a Zoom hearing, a party must follow the procedures set out in 16(c) below. Failure to do so may be grounds to strike 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.

c. Ex Parte

Effective September 14, 2020, 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. Matters not identified below shall not be permitted to be handled in person in ex parte. Emergency matters are defined as follows:

a. A Motion for an Immediate Restraining Order that requests either a change in primary care or a request for removal of a party from a residence;
b. Protection Orders to include vulnerable adult protections orders, sexual assault protection orders, extreme risk protection orders, domestic violence protection orders, and anti-harassment protection orders;
c. Writs of Habeas Corpus; and
d. Orders to show cause for Unlawful Detainers.
e. Orders to show-cause for contempt.

No other matters will be heard in person in the Commissioner ex-parte department. Court Administration will no longer be involved in processing any ex-parte requests. Parties with agreed orders that require approval sooner than the ex-parte mail service may place their agreed orders in a designated basket in room C123 on the first floor of the courthouse. Any orders placed in the basket that are rejected will have a rejection letter placed in the court file. Any signed order will be placed in the court file and 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.

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.

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 20-45.5 until 11:59pm on September 1, 2020.

d. Civil Motions

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. Effective August 17, 2020, oral argument will be conducted via Zoom. Parties participating via Zoom must call in to the application and be available as if they were present in court and follow the procedures set out in 16(c) below. Failure to do so may result in the matter being stricken or heard without a party's participation. 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 Proclamation 20-19.3, the Court will not hear any actions for residential ejectment or unlawful detainer until 11:59p.m. on October 15, 2020, except in those cases where the resident poses a significant and immediate risk to the health or safety of others. Further extension and/or modification of Proclamation 20-19.3 is 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.
2. At the initial time of filing, a Note for Hearing shall not be filed.
3. A proposed order restoring firearm rights shall be included with the documents served on the Prosecutor's office.
4. The documents to be included with the petition should be 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.
5. The Prosecuting Attorney's Office may be served by email at Diane.Kremenich@co.snohomish.wa.us.
6. 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.

7. 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.
8. 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 September 2, 2020 from Governor Jay Inslee, until the earliest of either the termination of the COVID-19 State of Emergency or 11:59 p.m. October 1, 2020, there shall be no garnishments of any bank accounts to collect judgments for consumer debt.

e. Finalization of Dissolution Actions

i. 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 one (1) day prior to the hearing. Failure to do so may result in the hearing being stricken.

ii. 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.

f. Interpreter calendars.

Interpreter calendars shall be conducted telephonically. Effective August 17, 2020, oral argument will be conducted via Zoom. Parties participating via Zoom must call into the application and be available just as if they were present in court. To connect to a Zoom hearing, a party must follow the procedures in 16(c) below. Failure to do so may be grounds to strike the hearing or proceed without the participation of the 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.

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.

g. Weapons surrender hearings shall proceed as usual.

h. Effective August 17, 2020, all special set hearings and extended hearings shall be conducted via Zoom. To connect to a Zoom hearing, a party must follow the procedures in 16(c) below.

i. Matters on the State paternity calendar will resume on May 4, 2020 on CourtCall. All matters on this calendar will be conducted via Zoom beginning September 14, 2020. To connect to a Zoom hearing, a party must follow the procedures in 16(c) below.

j. All Guardian Ad Litem compliance hearings will be heard with oral argument through Zoom unless the Commissioner determines the matter will be heard on the pleadings without oral argument. To connect to a Zoom hearing, a party must follow the procedures in 16(c) below. Parties should go to the Snohomish County Superior Court Commissioner Hearings Page at https://www.snohomishcountywa.gov/5657/Commissioner-Hearings after 5:30 p.m. two days before the hearing to see whether the hearing is noted for oral argument.

k. For any Commissioner calendar when the confirmation limit has been reached the Confirmations Clerk will continue the matter to a new hearing date 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 the following week. Any matters continued will still need to be confirmed consistent with the court rules. 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 a motion can be made to continue the hearing to another date.

l. 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.

m. Parties should refer to the Snohomish County Superior Court website for updates or modifications to court procedures.

Telephonic or Video Hearings

16. 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 in which a lawyer, litigant, or witness is unable to attend telephonically or where measures may be taken to foster public health in accordance with generally accepted principles. 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 telephonically. Effective August 17, 2020, telephonic appearance in the commissioner department shall be conducted via Zoom

except for State Paternity Calendars, which will continue to use CourtCall until September 14, 2020. Telephonic appearances in all other departments will be by Zoom, Skype, or telephone. No person participating by CourtCall, Zoom, or Skype will be required to pay for the service.

a. To schedule an appearance via CourtCall, for oneself or anybody else, a person must call 1-888/882-6878 by 2:00 p.m. the day prior to the hearing and must provide the case name, the cause number, the date and time of the hearing, and the location of the hearing if the person knows it. Any person who has not scheduled an appearance via CourtCall by 2:00 p.m. the day prior to a hearing taking place after March 31, 2020 shall be deemed to have failed to appear unless the judicial officer has granted leave to extend the deadline.

b. Anyone who has an appearance scheduled on CourtCall must call in on the date of the hearing by the time the court calls the case or else the person shall be deemed to have failed to appear. All hearings which would otherwise be conducted in an open court room shall be conducted in an open courtroom.

c. For telephonic appearance in the commissioner department on or after August 17, 2020, hearings 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). Participants via Zoom shall not enable video at any time during the hearing; their hearing will be conducted using audio only. Audio should be placed through use of a telephone and not through the computer to avoid issues with feedback. 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.

d. Persons appearing in-person on non-essential matters, in violation of the Governor's proclamation, can expect not to 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.

e. 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. Return hearings on petitions for extreme risk protection orders, vulnerable adult protection orders, and sexual assault protection orders shall be heard in the Presiding Department

through Zoom. Parties to those actions may call in or be called using ordinary cellular or landline telephone equipment. Domestic violence protection orders and anti-harassment orders will be heard on the appropriate calendar in the Commissioner Department. Unlawful detainers will be heard on the Commissioner Civil Motion calendar. Defendants in unlawful detainer actions need not confirm their appearances at a show cause hearing prior to the day of the hearing. Masks must be worn as indicated in the "Masks Required" section above. The Court may take such other measures as it deems necessary to protect people in the courtroom from infection, including but not limited to enforcing social distancing.

f. For adult criminal trial call, all out-of-custody defendants and the attorneys in the case may appear telephonically or through Zoom when that process is in place.

Interpreter Services

17. 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.

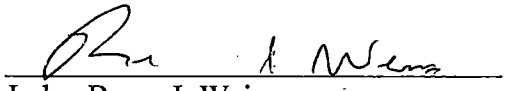
Other Matters

18. 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 telephonic argument or argument through Zoom. Parties shall determine whether oral argument is requested by checking the odyssey portal at https://odysseyportal.courts.wa.gov/odyportal.
19. 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.
20. A supplemental emergency order addresses matters at Denney Juvenile Justice Center not addressed in this order.
21. Any matters not addressed in this emergency order shall proceed in the manner consistent with all State and Local Court rules.
22. 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.
23. Working copies for a judge may be electronically submitted to the judge's law clerk by e-mail.

24. Working copies and proposed orders for all commissioner calendars shall be delivered timely and consistent with the court rules to C-123, which is located on the first floor of the Snohomish County Courthouse.

This Order will take effect September 4th 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 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 4th day of September, 2020



Judge Bruce I. Weiss
Presiding Judge