

RULE 16.2  
ORIGINAL ACTION AGAINST STATE OFFICER

(a) Generally. The Supreme Court and the superior court have concurrent original jurisdiction of a petition against a state officer in the nature of quo warranto, prohibition, or mandamus. This rule applies only to an action originating in the Supreme Court.

(b) Initiating Proceeding. The proceeding is initiated by filing the petition in the Supreme Court and serving the petition on the proper parties. The petition must be noted for hearing before the commissioner or clerk as provided in rule 17.4 for motions. The notice of hearing should be served with the petition. Service of the petition and notice must be made as provided in the Superior Court Civil Rules and statutes for service of a summons in a superior court action.

(c) Motion Procedure Governs. The petition is treated by the Supreme Court as a motion to a commissioner or clerk. Title 17 relating to motions governs the response to the petition, oral argument, decisions by ruling, and the means of objecting to the ruling of the commissioner or clerk.

(d) Decisions Made by Commissioner or Clerk. A commissioner or clerk will, at the hearing, determine if the petition should be decided by the Supreme Court, transferred, or dismissed. If the commissioner or clerk decides that the petition should be transferred, the petition will be transferred to a superior court for determination on the merits. If the petition is not transferred or dismissed, the commissioner or clerk will refer questions of fact to a master or to the superior court unless an agreed and adequate written statement of facts is approved by the parties prior to or at the hearing. The commissioner or clerk will also determine the timing of all remaining steps in the proceeding, including time for filing briefs on the merits.

(e) Procedure if Petition Is Not Transferred. The procedure if the petition is not transferred is the same as the procedure in the Supreme Court after acceptance of review of a trial court decision, except as otherwise directed by a ruling of the commissioner or clerk as provided in section (d).

(f) Statutory Time Limits Govern. If a statute provides a time within which a petition against a state officer in the nature of quo warranto, prohibition, or mandamus must be filed, the petition must be filed in the Supreme Court within the time period established by the statute.

(g) Costs. Costs are determined and awarded as provided in Title 14. The appellate court will award costs by supplemental judgment and will, on motion, transmit the judgment to the clerk of the superior court in the county selected by the party who is awarded costs. The supplemental judgment to the superior court shall be filed as a judgment in that court without payment of a filing fee.

References

Form 16, Petition Against State Officer; Const. art. 4, section 4; CR 4, Process, (d) Service; RCW 4.28, Commencement of Actions; RCW 7.16, Certiorari, Mandamus and Prohibition; RCW 7.56, Quo Warranto.

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