LCRLJ 40
ASSIGNMENT OF CASES

(a) Notice of Trial - Note of Issue - Civil

(1) Of Fact. Any party desiring to bring an issue of fact to trial shall serve and file, not later than seven (7) Court days preceding the setting day, a properly completed Note for Trial Setting. The Civil Clerk shall place on the setting calendar only those cases which are properly and timely noted. A party noting a case for trial thereby certifies that the case is at issue and that necessary witnesses will be available. Any party contending a case is not ready for trial shall do by serving and filing a counter Notice of Trial or objection to the setting at least three (3) days prior to setting day. The objection will be heard by the Civil Department Judge.
(Amended Sept. 1, 2005).

Failure to comply with this rule by any party may result in the imposition of terms; and/or the striking of the case from the calendar; and/or the refusal to grant a requested continuance.

(2) Of Law. Issue of Law may be noted for hearing on the Note For Hearing-Issue of Law form, and shall be heard on Friday of each week at 10:00 a.m. For issue of default, see LCRLJ 55.

(b) Method

(1) Civil Trial Setting Day. Note for trial shall be set for 9:00 A.M. on Fridays. The Civil Department Judge shall hear all objections to setting at that time.
(Amended Sept. 1, 2005, Amended Sept. 1, 2009).

(2) Civil Trial Date and Uncontested Setting. The Civil Clerk shall determine the trial date on all uncontested trial settings and place such case on the assigned trial calendar with proper notification to all parties by the Court.
(Amended Sept. 1, 2005).

(3) Pro-Se Party - Civil Case. In every action in which there is a pro-se party, a Civil Clerk shall set the trial date when the pleadings are completed. The Clerk's Office shall notify the parties of the trial setting by regular first class mail and complete a certificate of mailing.
(Amended Sept. 1, 2005).

(4) Civil Case - Notification of Out-of-County Counsel. Spokane County Counsel shall notify in writing, within five (5) days of the notice of case setting, all out-of-county counsel of the trial date of the case in which they are concerned and file a copy of such notice with a certificate of mailing.

(5) Motion Setting - Civil

(A) Filing Note for Hearing. The Note for Hearing-Issue of Law must be served and filed no later than twelve (12) days prior to the hearing (CRLJ 6 and CRLJ 40). Any responding documents must be served and filed at least seven (7) days before the hearing. Reply documents must be served and filed at least two (2) days before the hearing. In the event a motion or one continued from a prior date is to be argued, counsel for the moving party shall notify the District Court Civil Clerk by 12:00 Noon two (2) days before the hearing. At the time reporting counsel will be informed which Judge will be hearing the motion calendar. In the event an agreed or uncontested Order of Continuance is to be entered, or an Order to change Judge filed, counsel are further required to so file and notify the District Court Civil Clerk by 4:30 p.m. two (2) days before the scheduled hearing. Failure to comply with the provisions of this rule will result in the motion being stricken from the motion calendar.
(Amended Sept. 1, 2005, Amended Sept. 1, 2009)

(6) Motion Setting - Summary Judgment. Motion for summary judgment and dismissal must be served and filed at least twelve (12) days prior to the hearing (CRLJ 56) and heard at least two (2) weeks prior to the date the case is set for trial. The motion shall be set in accordance with the provisions of paragraph (5) above; and a continuance may be granted only in accordance with the provisions of paragraph (e) below.

(7) Filing of Motions, Memoranda and Affidavits - General. The moving party shall file with the Note for Hearing-Issue of Law form, the following: The motion being noted, all supporting affidavits and documentary evidence, and a brief memorandum of authorities, unless the legal position is fully and adequately covered by the "authorities" section of the Issue of Law form. If the responding party files a response to the issue of Law or any counter-affidavits, briefs, or memoranda of authorities, such document must be served

and filed no later than seven (7) days before the hearing. The responding party must also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar and imposition of terms.

(A) Length of Memoranda. Memoranda relating to motions shall not exceed ten (10) pages. Attached copies of foreign and federal decisions are not included in the ten (10) page limitation. Waiver of page limitations may be granted only upon motion demonstrating good cause which may be heard ex-parte.

(8) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall be furnished to the clerk at the time of filing for delivery to the assigned Judge for preparation. Responding briefs, memoranda and other documents shall be filed with copies provided for the preparation of the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

(9) Motion Hearing Procedures. Oral argument on motions shall be limited to ten (10) minutes for each side unless the assigned Judge determines otherwise, in which case the motion may be placed at the end of the calendar.
(Amended Sept. 1, 2005).

(10) Pre-Assignment of Cases. All cases shall be pre-assigned to a Judicial Department except Ex- Parte matters.
(Amended Sept. 1, 2005).

(11) Civil Ex-Parte Matters. Any Agreed Orders may be granted or denied by the judicial officer presiding in the Ex Parte department, or by any judge or court commissioner provided that the assigned judge is unavailable.

In the event a non-assigned judicial officer elects to deny to sign an agreed order, a denial of an order shall be noted on the order and filed in the legal file.
(Amended effective Sept. 1, 1995, Sept. 1, 1999, Sept 1, 2008.)

(d) Trials

(1) Daily Calendar Procedure. The daily trial calendar shall be called at 9:00 a.m. and 1:30 p.m. by the assigned Judicial Departments.

(2) Case Assignment Procedure. Cases which are ready for trial but are not brought to trial because of non-availability of the trial Court, shall be carried forward on the calendar to a day certain.

(3) Notice of Change in Status. Trial counsel are to report changes in the status of cases on the trial calendar to the Clerk. Special problems which affect readiness, such as unavailability of a witness, a party, or counsel, must be reported immediately. Neglect of this duty resulting in expense or inconvenience to the Court or other litigants may result in the imposition of terms, the refusal to grant a requested continuance, or the case being stricken from the calendar.

(e) Continuances

(1) Contested Continuances. If an attorney needs to have a case continued and the continuance is opposed, a motion for continuance shall be served on the opposing party and submitted to the assigned Judge not less than three (3) Court days in advance of the trial date. The motion shall be accompanied by an affidavit stating the reasons of necessity of the continuance. The three-day requirement may be waived if an emergency exists in fact. Terms may be imposed in the discretion of the Court. If a continuance is granted, it shall be reflected on the appropriate Court form or a comparable order.
(Amended effective Sept 1, 2005, Amended effective Sept 1, 2009)

(A) Pro-Se Parties. A pro-se party may request a continuance at the time of the hearing without compliance with the provisions of paragraph (1) above. Upon a showing of good cause, in the interest of justice, and/or the imposition of terms, the Court may grant a continuance. The continuance shall be noted on the case file.

(2) Agreed Continuances. In cases where all parties agree, an Order of Continuance will be presented for the assigned Judge's consideration not later than one (1) day prior to the date set for trial, unless otherwise authorized by the Court.

(A) Jury Trials. No jury trial will be continued, absent exigent circumstances, unless the agreed Order of Continuance is submitted to the assigned Judge for his or her consideration, not less than three (3) working days prior to the scheduled jury trial date.

(g) Pre-Trial Conference

(1) The Judicial Department assigned to the case will determine whether a case

would benefit from a Pre-Trial Conference. The proceedings of the settlement conference are privileged and shall not be recorded. The attorneys for both parties shall attend with their respective clients. The parties shall confer in good faith prior to the date of the Pre-Trial Conference and attempt to reach an agreed disposition.