# RULE NO. 4
## CIVIL DISCOVERY AND ADMISSIBILITY OF DOCUMENTS

(A) Discovery shall be permitted pursuant to CRLJ 26(a) and (b) without further order of the court.

(B) Concurrently with or any time after the filing of summons and complaint, any party may request the court, ex parte, to issue an order permitting mutual discovery in accordance with CRLJ 26 and CR 26 through 37. The motion and order should be substantially in accordance with the uniform court form in these rules, and the court will grant said order subject to any objection in accordance with this rule.

The party requesting the order shall serve upon the non-moving party and file with the court proof of service of same. Within ten (10) days after service of the order or the expiration of the period for response set forth in CRLJ 12, whichever is later, the non-moving party may object to the order and request a hearing by filing a written opposition, which shall be substantially in accordance with the uniform court form in these rules, serving a copy on the moving party, on the basis that discovery should not be allowed or should be limited. The court shall conduct a hearing under CRLJ 26 and affirm, modify or vacate the original order as it deems proper.

(C) The documents listed below, if relevant, are presumed admissible at the trial, but only if (1) the party offering the document serves on all parties at least 14 days prior to the trial date in accordance with CRLJ 5 a notice, accompanied by a copy of the document and the name, address, and telephone number of its author or maker; and (2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof related to the weight of the evidence admitted, nor does it restrict the court's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead.

(3) A bill, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items or repair and the amount paid;

(4) A police, weather, wage loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury.

(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the interests of justice.

Any other party may subpoena the author or maker of a document, admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.

(Effective Date: 01/07/87; amended 09/01/96)

UNIFORM DISTRICT COURT FORM NO. 4A
THURSTON COUNTY DISTRICT COURT
THURSTON COUNTY, STATE OF WASHINGTON

| | | |
|---|---|---|
| | ) | |
| | ) | |
| Plaintiff, | ) | NO. |
| | ) | |
| V. | ) | MOTION AND ORDER FOR PERMISSION |
| | ) | TO CONDUCT DISCOVERY |
| | ) | |
| Defendant. | ) | |

Plaintiff/defendant hereby moves that the parties in this matter be allowed to conduct discovery in accordance with Superior Court Civil Rules 26 through 37.

DATED this _____ day of _____, _____.

_____
Attorney for Plaintiff/Defendant

O R D E R

Pursuant to motion of plaintiff/defendant for this allowance of mutual discovery in this action, accordingly, it is hereby

ORDERED that the parties may conduct reasonable discovery in accord with Rules 26 through 37 of the Superior Court Civil Rules.

DONE IN OPEN COURT this _____ day of _____, _____.

_____
J U D G E

Presented by:

_____
Attorney for Plaintiff/Defendant

NOTICE: Upon receipt of this order, the non-moving party may object to the grant of this motion by filing a written objection with the court within ten (10) days and serving a copy on the opposing party.

CERTIFICATE OF MAILING

Mailed to the below named person at the address indicated on the _____ day of _____, _____: _____
_____

UNIFORM DISTRICT COURT FORM NO. 4B
THURSTON COUNTY DISTRICT COURT
THURSTON COUNTY, STATE OF WASHINGTON

| | | |
|---|---|---|
| | ) | |
| | ) | |
| Plaintiff, | ) | NO. |
| | ) | |
| V. | ) | OBJECTION TO ORDER GRANTING |
| | ) | DISCOVERY |
| | ) | |
| Defendant. | ) | |

Comes now _____, the plaintiff/defendant herein and hereby objects to the entry of the order granting discovery dated the _____, _____, and requests that the court schedule a

hearing on this matter.

The plaintiff/defendant hereby objects to the granting of the order of discovery because:_____
_____
_____
_____
_____

DATED this _____ day of _____, _____.

_____
Attorney for Plaintiff/Defendant

Original filed with court, copy must be served on moving party or moving party's attorney.