

Local Civil Rule 7
PLEADINGS ALLOWED; FORM OF MOTIONS

(b) Motions and Other Papers.

(1) Memorandum of Authorities and Affidavits Required.

(A) The moving party shall serve and file with his or her Motion a brief written statement of the Motion and a brief containing reasons and citations of the authorities on which he or she relies. If the Motion requires the consideration of the facts not appearing of record, he or she shall also serve and file copies of all affidavits and photographic or other documentary evidence he intends to present in support of the motion.

(B) Each party opposing the Motion shall at least one (1) day prior to the argument, serve upon counsel for the moving party and file with the Clerk a brief containing reasons and citations and of the authorities upon which he relies, together with all affidavits and photographic or other documentary evidence any supporting material.

(2) Necessary Provision in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt. In all supplemental proceedings wherein an order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE, AND PLACE
THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR
APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN
BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant will be issued in such cases for the apprehension of the cited person if such language has been omitted.

(3) Counsel Fees. Appointed counsel submitting motions for fixing or payment of fees and counsel requesting that the Court fix fees in any other case (except for temporary fees in domestic relation cases) should itemize their time, services rendered, or other detailed basis for the fees requested and attach a copy thereof to the motion.

(4) Action Required by Clerk. All documents filed with the Clerk, other than a note for the motion or trial dockets (see LCR 40) which require any action (other than filing) by the Clerk shall contain a motion in the caption specifying the nature of the document the words: "CLERK'S ACTION REQUIRED."

(5) Motion to Shorten Time All motions to shorten time must be in writing and supported by declaration or affidavit that

(a) states exigent circumstances or other compelling reasons why the matter must be heard on shortened time and

(b) demonstrates due diligence in the manner and method by which notice, or attempted notice, was provided to all other parties regarding the presentation of the motion to shorten time. If the moving party, after showing due diligence, has been unable to notify all parties of the motion to shorten time, it is within the judicial officer's discretion to proceed with the motion to shorten time. The judicial officer shall indicate on the order shortening time the minimum amount of notice to be provided the responding party, which, barring extraordinary circumstances as set forth in the declaration or affidavit supporting the motion, shall not be less than 48 hours. The court file must be presented along with the motion to shorten time, declaration or affidavit, and the proposed order to the judicial officer considering the request.

(6) Document Format. Documents prepared for a judge's signature must contain at least two (2) lines of text on the signature page.

(7) Hearing of Motion Calendar.

(A) Note for Motion Docket. Any attorney desiring to bring any issue of law on for hearing shall file with the Clerk and serve on all opposing counsel, not later than five (5) days prior to the day on which the attorney desires it to be heard, a note for the motion docket which note shall contain the title of the court, the cause number, a brief title of the cause, the date when the same shall be heard, the words "Note for Motion Docket," the name or names of each attorney involved in the matter, the nature of the motion, and by whom made. It shall be subscribed by the attorney filing the same and shall bear the designation of whom the attorney represents. The foregoing provisions shall not prohibit the hearing of emergency motions at the discretion of the Court.

(B) Over 10 Minutes for Hearing. If the moving party expects the motion to take more than ten (10) minutes to argue by all sides collectively, the movant shall designate on the note for motion docket that the matter is "over 10 minutes."

(C) Confirmation of Summary Judgment and Over-Ten-Minute Hearings. The moving party shall confirm with the clerk that summary judgment and over-ten-minute hearings will be heard on the date set during the following time periods:

i. Summary judgment and over-ten-minute hearings shall be confirmed in Benton County no sooner than Monday at 8:00 am and no later than Tuesday noon of the week in which the motion is noted for hearing.

ii. Summary judgment and over-ten-minute hearings shall be confirmed in Franklin County no sooner than Tuesday at 8:00 am and no later than Thursday noon of the week preceding the week in which the motion is noted for hearing.

Confirmations may be by telephone, or by e-mail to the addresses stated below in LCR 7(b)(7)(F)

iii. The clerk shall not allow more than a total of three (3) summary judgment and three (3) over-ten-minute hearings to be confirmed for any one date. The maximum for such motions may be changed by resolution of the judges.

(D) Removal of Motion. If the motion is not so served, mailed, and filed the Court may strike the same from the calendar.

(E) Service of Notice. The motion will not be heard unless there is on file proof of service of notice upon the attorney for the opposing party or there is an admission of service by opposing counsel.

(F) Continuance or Striking of Noted Motions by Parties. A matter noted on the motion docket may be continued pursuant to the following:

i. The moving party may strike or continue a motion at any time without cause with adequate notice to the opposing parties. Sanctions may be imposed if the opposing party's appearance at the hearing could have been avoided through due diligence of the moving party.

ii. Upon a showing of cause, the Court, in its discretion, may grant the non-moving party's request for a continuance.

iii. The party striking any matter may give notice to the non-moving parties by any means reasonably likely to provide actual notice. The clerk may be notified either by written notice or by e-mail notification. Notice to the Franklin County Clerk may be emailed to the following address: civilclerk@co.franklin.wa.us for civil cases; and domesticclerk@co.franklin.wa.us for domestic cases. Notice to the Benton County Clerk may be emailed to the following address: clerk@co.benton.wa.us.

iv. If the matter is stricken or continued and the moving party desires a hearing, a new note for motion docket must be filed with the Clerk in accordance with section (A), above. However, by mutual consent the parties may dispense with a new note for docket for motions that are continued.

(G) Calling Docket - Priority for Pro Bono Counsel. The causes on the civil docket for each motion day will be called in order, and the moving party, if no one appears in opposition, may take the order moved for upon proper proof of notice, unless the Court shall deem it unauthorized. In order to encourage participation in pro bono legal representation, all motions, where one or both parties are represented by pro bono counsel, shall, at the request of the pro bono attorney be given priority on the docket. Such priority shall be given without any reference as to the reason why. All parties are to appear in person.

(H) Continuances by Court. Any motion or hearing may be continued by the Court to a subsequent day or set down by the Court for hearing at another specified time, and the Court may alter the order of hearing as may be necessary to expedite the business of court.

(I) Frivolous Motions. Upon hearing any motion, if the Court is of the opinion that such motion is frivolous, or upon granting a continuance of any matter, terms may be imposed by the Court against the party filing such motion, or against the party at whose instance such continuance is granted.

(J) Ex Parte - Notice to Opposing Counsel. Lawyers should not ask the Court for ex parte orders without proper notice to opposing counsel, if counsel has appeared either formally or informally. This rule applies to temporary restraining orders and orders to show cause in domestic relations cases, as well as all other types of matters. (See Rule 65.)

(K) Decisions Without Oral Argument. Upon agreement of the parties, or upon request of the Court, a motion may be determined without oral argument. The moving party shall contact Court Administration to request a decision under this rule.

(L) Discovery Motions. The Court will not entertain any Motion or objection with respect to Rules 26, 27, 30, 31, 33, 34, 35 or 36, Civil Rules for Superior Court unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the Court finds that counsel for any party, upon whom a Motion for an objection with respect to matters covered by such rules is served, willfully refused to meet and confer, or having met, willfully refused or fails to confer in good faith, the Court may take appropriate action to encourage future good faith compliance. In the event of an emergency, the Court will entertain Motion objections which would otherwise be governed by the above rule.

(M) Argument Limitations. Argument on the civil docket shall be limited to 30 minutes per case.

[Adopted Effective April 1, 1986; Amended Effective August 1, 1990; September 1, 2002, September 1, 2009, September 1, 2011, September 1, 2013]
