

CIVIL RULE 40.
ASSIGNMENT OF CASES

(b) Methods.

(i) Trial Assignments: The moving party shall serve and file a request for a Trial Setting/Certificate of Readiness substantially in the form set forth at the end of these civil rules. The parties shall appear on the appropriate trial assignment docket which corresponds with the type of case. Proof of service of the trial setting notice shall be filed with the clerk by the moving party prior to the time of trial setting.

Assignment of other matters for hearings: RALJ appeals, motions for revision, summary judgment motions exceeding thirty minutes in length, motions with argument in excess of regular docket time limits and motions to be heard by a judge who does not have a normally scheduled docket shall also be assigned on the Trial Assignment Docket but are exempt from filing a Certificate of Readiness. Proof of proper service on all parties is required to be filed prior to appearing for assignment.

(ii) Application of Rule: Solely for purposes of this rule, "trial" includes trials, support modifications/adjustments and settlement conferences.

(iii) No cause appearing on the assignment docket will be set for trial unless there is a response filed, there is compliance with this rule and at least one of the parties or their attorney either personally appears or contacts the court on or before the commencement of the docket.

(iv) Should any party believe the case is not yet ready for trial or that the Case Scheduling Order has not been completed, they shall file and serve an objection to the Certificate of Readiness and note the matter for hearing on the appropriate motion calendar. This will remove the matter from the trial assignment docket.

(v) If one or more parties (or their attorney) to the case fail to appear for trial setting, after being given proper notice of the application by the movant, and without advising the court, in writing, of non-available trial dates, the trial date shall be assigned. The trial date set will not be reset absent approval by the Court. If no attorney or party appears for the trial assignment, the assignment request will be stricken. An attorney or party may have a trial set without personal appearance provided they furnish a letter to the file indicating their intention not to personally appear and suggesting time preferences, restrictions, estimated length or other relevant information.

(vi) The initial request for trial setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform Court Administration promptly of any errors or changes in this list.

(vii) Trial Setting/Certificate of Readiness and Trial Scheduling Order Format: The approved Certificate of Readiness and Trial Setting Notice or Request for Hearing for Civil cases can be found at the following link: <http://www.cowlitzsuperiorcourt.us/rules-and-forms/general-forms>.

For Family Law (Domestic Relations) cases, these forms can be found at the following link: <http://www.cowlitzsuperiorcourt.us/rules-and-forms/family-law-forms>.

(viii) Trial Scheduling Orders: The Court shall file and send to the parties a Trial Scheduling Order for the case after Court Administration assigns a trial / MSC date. The Trial Scheduling Order shall be substantially in the form approved by the Court. The Trial Scheduling Order may be amended only by leave of the Court upon motion. Motions for continuance, even if agreed, shall only be granted upon showing of good cause.

(ix) The requirement of this rule can be waived or modified upon a written motion.

(g) Pre-assignment of Cases.

(i) By the Court: The Judges may select those cases deemed appropriate for pre-assignment due to length of trial or complexity of issues.

(ii) By Motion: The parties by stipulation may request that a case be pre-assigned or any party may place a motion for pre-assignment upon the appropriate motion calendar.

(iii) All Matters to be heard by Pre-assigned Judge: After selection of the trial judge in the pre-assigned case, the trial, all motions, conferences and other matters and proceedings, except settlement conferences, should be heard before that Judge, if available.

(h) Notice to Court of Calendar and Trial Changes. Causes set for trial, as defined by 40(b)(ii), cannot be cancelled by the parties without a court order, except instances wherein the cause is settled. Thereafter the parties shall file a Notice of Cancellation with the Clerk's Office and provide a copy to Court Administration.

(i) If it becomes apparent that the time allocated for a trial will not be adequate to complete the trial, the parties shall promptly notify the Court Administration of that fact and of the time necessary to complete the trial.

(ii) The Court may assess actual costs or other sanctions for a violation of this rule.

(i) Trial Readiness Review:

(i) Criminal: In all criminal cases set for trial, the attorneys and self-represented parties shall appear on the readiness review docket at 8:30 on the Thursday morning the week prior to trial. Final instructions from the Court, including the specific start date and time of the trial, will be given by the Court at the readiness review. Failure to appear may result in the striking of the assigned trial date and/or other sanctions as deemed appropriate by the Court.

(ii) Civil: In all civil cases set for trial (this includes child support modification on declarations), the parties, or his/her attorney, shall contact Court Administration between 2:00 p.m. and 4:00 p.m. the Thursday afternoon

the week prior to the trial. Court Administration will give final instructions, including the specific start date and time of the trial. Failure to call Court Administration as directed may result in the striking of the assigned trial date and/or sanctions as deemed appropriate by the Court.

(j) Call Calendar.

(i) The causes appearing on a motion docket shall be called and the movant, if no one appears in opposition, may take the order moved for if approved by the court. If no one appears for a motion or petition it shall be deemed waived and stricken.

(ii) A party or his/her attorney may appear on any Civil or Domestic Relations Motion Docket via CourtCall(r) (www.courtcall.com), except a party who has been properly served with an Order to Show Cause or other order requiring his/her personal appearance. The responding party in that circumstance must appear in person unless otherwise ordered by the Court.

[Amended effective September 1, 2002; amended September 1, 2005; amended September 1, 2006; amended September 1, 2012; amended January 1, 2013 and Emergency Amendment Effective January 1, 2015; amended September 1, 2016; amended September 1, 2017; emergency amendment effective January 1, 2018; amended September 1, 2018]
