

PRETRIAL PROCEDURES AND FORMULATING ISSUES

- (a) Hearing Matters Considered. Upon the motion of a party or the court's own initiative, the presiding judge or, in the case of a preassigned case, the judge so designated will decide whether any civil case would benefit from a pretrial scheduling conference.
- (b) Pretrial Order. The conference procedures and form of the pretrial order shall be determined by the judge to whom the matter is assigned.
- (c) Settlement Conference. Upon the motion of a party or the court's own initiative, the presiding judge or designated judge may order private mediation or a mandatory settlement conference with respect to any civil case.

Any settlement conference ordered will be held before a designated settlement judge at least thirty (30) days before the scheduled trial date. At least five (5) court days before the settlement conference each party shall supply a confidential position statement to the settlement judge. The statement shall include:

- (1) A general factual summary of the case;
- (2) Disputed and admitted facts;
- (3) A statement of legal issues, together with authorities;
- and
- (4) A general position statement.
- (5) In domestic relations cases, the party's position, in precise terms, concerning issues of:
 - (a) property,
 - (b) debts,
 - (c) maintenance,
 - (d) child support,
 - (e) parenting plan, and
 - (f) any other matters requiring resolution.

The attorneys who will be in charge of each party's case shall attend the settlement conference personally and shall come prepared to discuss in detail and in good faith the issues of fact and law remaining, the evidence pertaining to liability and damages, or, in a domestic relations case, the various categories of issues subject to the court's jurisdiction, and the respective positions of the various parties on settlement. The attorneys shall be accompanied by their clients or representatives possessing authority to settle unless such clients or representatives are available by telephone or are otherwise excused by the

judge, or unless the attorney himself or herself has full authority with respect to settlement.

The proceedings of the settlement conference shall be privileged and not recorded. If a settlement is not reached the settlement judge shall not make any order or preside at the trial on the merits without consent of all parties.

(d) Pre-assignment to a Particular Judge. Upon written application of any party with notice to the other parties, or on the court's own motion, the presiding judge may preassign cases involving complex issues and/or extensive pretrial procedures to a particular judge for pretrial procedures and trial. The burden of establishing the need for pre-assignment shall be on the party or parties requesting the same. Pretrial conferences and hearings and trial scheduling shall be arranged directly with the preassigned judge and the court administrator.

(e) Methods.

Summary Judgment. See LCR 56.

Filing of Motions, Memoranda and Affidavits—General. See LCR 6(d) for times for filing motions, responses and replies. 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 or memorandum of authorities, unless the legal position is fully and adequately stated in the motion or issue of law form.

Copies of Briefs or Memoranda. A copy of the brief or memorandum and supporting affidavits shall be furnished to the assigned judge at the time of filing. The judge's working copies, with a notation thereon as to the date and time of hearing on the motion, shall be delivered or mailed to the judge at 215 South Oak Street, #209, Colville, WA 99114, regardless of in which county the motion is being filed. Working copies of responsive materials should likewise note the date of hearing and be delivered or mailed to judge hearing the matter at the above address. Failure to comply with these requirements may result in a continuance and/or imposition of terms.

(4) Affidavits or Declarations. All affidavits or declarations shall be sworn or affirmed under penalty of perjury, made on personal knowledge, set forth such facts as would be admissible in evidence, and show affirmatively that the affiant or declarant is competent to testify to the

matters stated therein.

(5) Motion Calendar Hearing Procedures. The Law and Motion calendar will commence at times designated in the respective county's court calendar as distributed by the court administrator and County Clerk's offices. Matters shall be noted for the particular time designated in the court calendar. Agreed orders and defaults will be heard at the beginning of the docket. Motions other than summary judgment shall be limited to ten (10) minutes each side. Motions which will exceed the time limit of this rule, if allowed by the motion judge, will ordinarily be placed at the end of the motion docket.

(f) Change of Judge. In the event that a motion is scheduled for hearing before a judge on a specified day and an affidavit of prejudice is filed against that judge, the scheduled motion will be transferred for hearing by the court administrator to another judge or court commissioner; provided, however, motions for summary judgment and any other motion which would be dispositive of a claim of any party shall be heard only by a judge, except as otherwise authorized under Rule 0.6.

[Adopted September 1, 1991; amended effective September 1, 2004.]
