

NEW RULE

Local District Court Rule – LGRLJ 3.2

LGRLJ 3.2 - CALENDAR ADDITIONS

District Court Rules **Mason County District Court**

LGRLJ 3.2 – CALENDAR ADDITIONS

1. Calendars will be deemed as set by noon the day before the calendar is scheduled. No additions will be made after that deadline except as follows:
 - a. Identification hearings and fresh arrests
 - b. Authorization by the appropriate judge, appropriate Judge meaning:
 1. The Presiding Judge of the Mason County District Court or
 2. Pro-tem Judge only when the presiding Judge has been disqualified by recusal or affidavit of prejudice.

Amended

Local District Court General LGRLJ 14 (4)

LGRLJ 14 (4) – AUDIO/VISUAL EXHIBITS

District Court Rules **Mason County District Court**

AMENDED: Mason County District Court Local Administrative Rule
LGRLJ 14 (2)

LGRLJ 14 (2) Audio/Visual Exhibits

Audio/Visual Exhibits. When testimony or evidence is to be given via video tape or motion pictures, it is the responsibility of the party introducing the testimony or evidence to provide the proper equipment for viewing such testimony or evidence, or to provide the court the testimony or evidence in CD or DVD format.

Photos on cell phones or other media will not be accepted. It is the responsibility of the parties to have their exhibits ready on the trial date. The court will not print exhibits or make paper copies of exhibits for litigants unless otherwise authorized by the trial judge.

[Adopted effective 9/1/2015, amended 9/1/19]

LGRLJ 14 (3) – Small Claims and Name Change format requirements

District Court Rules
Mason County District Court

Mason County District Court Local Administrative Rule
LGRLJ 14 (3)

LGRLJ 14 (3) *Small Claims and name change format requirements*

All Small Claims and Name Change pleadings must conform to the Mason County District Court forms. Prescribed forms are available at the Mason County District Court office located at - 419 N. 4th St, Shelton, WA. 98584 or on the courts website: www.co.mason.wa.us/district_court. Any pleadings not meeting such requirements may be rejected for filing and returned, then resubmitted after compliance with this rule.

[Adopted effective 9/1/2015]

NEW

Local District Court General LGRLJ 34

LGRLJ 34 – SUSPENSION OR MODIFICATION OF LOCAL RULES

District Court Rules
Mason County District Court

LGRLJ 34 SUSPENSION OR MODIFICATION OF LOCAL RULES

The court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown thereof or upon the court's own motion.

[Adopted effective 9/1/2019]

NEW

Local District Court General LGRLJ 38

LGRLJ 38 – VIEWING OF COURT FILES

District Court Rules **Mason County District Court**

LGRLJ 38 VIEWING OF COURT FILES

All public Court file content must be reviewed at the counter of the Court lobby unless Court staff allows otherwise.

No individual shall photograph a Court file through any mechanical or electronic means without Court permission.

[Adopted Effective 9/1/2019]

AMENDED RULE

Local District Court Administrative Rule - 5

LARLJ - 5

COURTROOM DECORUM

District Court Rules

Mason County District Court

AMENDED TO: LARLJ 1 – COURTROOM DECORUM

All attorneys, litigants, witnesses, and other individuals in the courtroom shall abide by the following rules of conduct:

- (a) Always be prompt. Be in the courtroom ready to proceed at the appointed time.
- (b) Stand when the judge or the jury enters or leaves the courtroom.
- (c) Do not make personal attacks on opposing counsel or parties.
- (d) Do not interrupt. Wait your turn. Address all remarks to the Court. Argument between litigants or their attorneys is not permitted.
- (e) After the court has ruled, ask the court's permission before arguing further.
- (f) Rise when addressing the Court and when making objections as this calls the Court's attention to you.
- (g) Do not approach a witness or the jury without asking permission of the Court.
- (h) Dress appropriately to the serious nature of the matters before the court. Shorts and other kinds of beach apparel are not appropriate, shoulders must be covered. Clothing with inappropriate images including nudity and obscenities, advertising alcoholic beverages or illegal drugs are not appropriate. Hats are not to be worn in the Courtroom unless required by religious custom and practice, or for medical purposes.
- (i) Cell phone are prohibited in the courtroom – they must be turned off. Attorneys and law enforcement are exempt from this subsection. No other exceptions unless waiver is explicitly granted by the court.

[Adopted effective 9-1-2015, amended 9/1/2019]

AMENDED RULE

Local District Court Administrative Rule LARLJ 0.4 General

LARLJ 0.4 - EMAIL COMMUNICATION

District Court Rules **Mason County District Court**

AMENDED: Mason County District Court Local Administrative Rule
LARLJ 17.1 General

LARLJ 17.1 Re: E-mail Communication

Purpose: The purpose of this rule is to provide guidelines for the use of e-mail in communicating with Mason County District Court staff. This rule does not apply to the other forms of communication, and does not establish a preference for e-mail communication over any other form of communication.

Use of judge's individual address prohibited: The only address to be used by attorneys, pro se self-represented litigants or others who need to communicate with court staff about a case is the District Courts general e-mail address - DistrictCourt @co.mason.wa.us, unless otherwise directed by the judge and/or court clerk to e-mail to a specific e-mail address. Absent express invitation by the judge, the judge's individual e-mail address is not to be used.

Guidelines for use of e-mail: E-mail communication with the District Court is appropriate in the following typical situations:

To obtain a date for an in-court hearing;

To submit proposed orders;

To determine the judge's availability for a settlement conference;

To determine the availability of equipment needed for trial (such as a video player or speaker phone);

To determine the judge's preference as to number of copies of jury instructions required for trial;

To advise the court of a settlement (to be immediately followed by formal written notice pursuant to CR 41(e));

To determine whether the judge will accept pleadings, jury instructions, legal memoranda, and other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

Ex parte communication prohibited: The prohibitions regarding ex parte contact with the court are fully applicable to e-mail communication. If an attorney/party is

communicating substantive information to court staff, the e-mail must also be sent to opposing counsel/party and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

Service of working copies and pleadings: E-mails may be used to provide working copies of legal pleadings, including jury instructions. Legal documents other than jury instructions that are presented by email shall be sent in PDF format. Working copies of Jury instructions shall be sent by PDF AND in Microsoft Word format. After sending any working copies and/or Jury Instructions, you must contact the court and advise the clerk that they have been sent. Any such e-mails sent to the court shall be sent to the attorneys representing the other parties.

[Adopted effective 9/1/2015, amended 9/1/19]

NEW

Local District Court Civil LCRLJ

LCRLJ 6 (A) – SMALL CLAIMS MEDIATION

District Court Rules

Mason County District Court

LCRLJ 6(A) - SMALL CLAIMS MEDIATION

- 1) The Mason County District Court will require mediation for all small claims cases.
- 2) Parties filing a small claims case shall pay the filing fee and a surcharge.
- 3) All small claims cases shall be set for a pre-trial. No trial shall be set until after mediation. All parties will be required to attend this pre-trial. The pre-trial shall be a mediation between the parties. The mediation shall be conducted by a mediation agency appointed by the presiding judge of the Mason County District Court, or attorneys on a mediation panel, maintained by the court. Each party shall be required to bring his, her, or its evidence to this pre-trial. No witnesses or attorneys or other legal representatives are allowed at the mediation.
- 4) The mediation shall be for up to one half hour, unless the mediator decides a longer time is needed. The purpose of the mediation is to see if the parties can reach a settlement. The mediator has no authority to impose a settlement. The outcomes of the mediation shall be as follows:
 - a. If the parties reach a settlement, the settlement shall at the mediation, be reduced to writing and all parties shall sign off on it. The court will then, ex parte, reduce the settlement to a judgment, unless the parties agree to carry out their obligations on the settlement without a judgment. In such circumstances, the court will not reduce the settlement to a judgment unless the agreement is not complied with, within thirty days. Any settlement is binding, once signed. If any party refuses to sign off on a settlement, there will be no settlement.
 - b. If the parties fail to reach a settlement, they will be directed to the District Court Clerk's Office to be given a trial date. The clerk will enquire about the number of witnesses that will be called, number of exhibits, to help the court determine the length of the trial.
 - c. If the plaintiff(s) fail to appear at the pre-trial hearing, the mediator(s) shall notify the court and the case shall be dismissed, with prejudice.
 - d. If any of the defendants fail to appear, the mediator(s) shall notify the court and the court shall review the case to enter a default judgement, ex parte.
- 5) This requirement for mediation shall be waived, if formal mediation occurred prior to the filing of the case.

[Adopted effective 9/1/2019]

AMENDED RULE

Local District Court Rule – LCRLJ(b) – Motions

LCRLJ 7(b) – MOTIONS

District Court Rules **Mason County District Court**

AMENDED TO: LCRLJ 7(b) MOTIONS

5. A party who notes a motion, but decides to strike the motion, shall immediately notify the court and the opposing party that the motion is stricken.
6. If a moving party does not appear within thirty (30) minutes of the time set for a motion, and no request, for extension of time is received by telephone or otherwise, the motion shall be stricken and the non-moving party (ies) may be awarded costs, and if otherwise authorized, a reasonable attorney's fee.
7. If a non-moving party does not appear within thirty (30) minutes of the time set for a motion, and no request for extension of time is received by telephone or otherwise, the Court will decide the motion without the non-moving party's participation.
8. The Court may, in its discretion, assess terms against any party failing to comply with this rule.
9. Any re-note of the motions will be at the courts discretion.

AMENDED RULE

Local District Court Rule – LCRLJ 40(a) (5) and (d)

LCRLJ 40 (a) (5) and (d) – Non-appearance of a party or parties on trial date

District Court Rules **Mason County District Court**

AMENDED TO:

LCRLJ 39 NON-APPEARANCE OF A PARTY OR PARTIES ON TRIAL DATE

- (a) If the plaintiff does not appear within thirty (30) minutes of the time set for trial, and no request for extension of time is received by telephone or otherwise, defendant, upon motion, may be granted a judgment of dismissal without prejudice, be awarded costs, and if otherwise authorized, a reasonable attorney's fee, and if a counterclaim, upon satisfactory proof, may be awarded judgment thereon.
- (b) If the defendant does not appear within thirty (30) minutes of the time set for trial, and no request for extension of time is received by telephone or otherwise, the plaintiff, upon motion, may be granted judgment as prayed for, upon satisfactory proof to the court, including costs and if otherwise authorized a reasonable attorney's fee.
- (c) In the event neither party appears at the time set for trial, or thirty (30) minutes thereafter, the trial shall be stricken. Any re-note of a civil trial may be predicated upon either of the parties paying terms to the court. Notification may initially be oral and/or by telephone, but will not be deemed completed until it has been followed up with a clear written statement by the person making such notification. Such written statement shall be caused to be on file with the court by 4:30 p.m. on the fifth day following the oral telephonic notification.

[Adopted Effective 9/1/19]

LCRLJ 43

TAKING OF TESTIMONY

District Court Rules
Mason County District Court

Proposed

LCRLJ 43 – Taking of Testimony

(e) Evidence on Motions.

(1) Motions shall be heard on the pleadings, affidavits, published depositions and other papers filed unless otherwise directed by the Court. Any counter-affidavit shall be served upon the opposing party not later than (3) three days prior to the date of the hearing, or movant shall have the option of a postponement of the hearing. Affidavits strictly in reply to a counter-affidavit may be served and considered at the hearing.

[Adopted effective 9/1/2015]

AMENDED

District Court Rules Mason County District Court

AMENDED TO:

MISCELLANEOUS PROCEEDINGS

LCRLJ 86.04. NAME CHANGES

- (a) **Requirements.** An applicant who applies to the court for a change of name, pursuant to RCW 4.24.130, must meet the following requirement:
- (1) *Birth Certificate.* A certified copy of any applicant and/or minor's birth certificate or suitable identification must be presented to the clerk for verification and copying.
 - (2) *Photo Identification.* The applicant shall be prepared to show photo identification at the time of the hearing.
 - (3) *Minors: Parental Consent.* All applicants under eighteen (18) years of age must have parental representation in accordance with State law.
 - (4) *Separate Applications.* Each applicant requesting a change of name must present a separate Change of Name Order and pay a separate filing fee and recording fee.

[Adopted/amended – effective 9/1/19]

AMENDED

Local District Court Criminal Rule
LCrRLJ2.2 (h)

WARRANTS EXPIRATION DATE

District Court Rules Mason County District Court

Proposed Local Court Rule

LCrRLJ2.2(h) WARRANTS EXPIRATION DATE

All warrants for arrest issued by the Mason County District Court for misdemeanor and gross misdemeanor offenses shall carry on their face a seven (7) year expiration date.

The court will automatically reissue the warrant one time only for a total of fourteen (14) years on violent offenses and serious traffic offenses.

Violent offenses include Assault, Violation of No Contact or Protection Order, Malicious Mischief, Unlawful Imprisonment, Reckless Endangerment or as designated by the court.

Serious traffic offenses include Driving Under the Influence, Physical Control, Reckless Driving, Hit and Run, or as designated by the court.

If the warrant is not served during this time, the prosecutor may file a motion to reissue for the judge's consideration prior to the expiration date. If the case is pre-disposition, the motion must state that the prosecutor has a good faith belief they will be able to proceed to trial.

If the warrant expires, the case file shall be closed if no fines, fees, costs and/or restitution is owing. All fines, fees, costs, and/or restitution previously imposed remain owing unless otherwise ordered by the court. If the warrant expires prior to disposition, the case shall be dismissed.

[Adopted effective 9/1/2015, amended 9/1/19]

MASON COUNTY DISTRICT COURT

419 N. 4th - P.O. Box "0" - Shelton, WA 98584

360-378-4017 (Tel) - 360-378-4099 (Fax)

MasonDistrict@co.mason.wa.us

EXPIRED WARRANTS

Date: _____

DOL: _____

Case #: _____

JIS: _____

Name: _____

Charge(s): _____

Prosecutor's Recommendation

Reissue Bench Warrant in the amount of \$ _____

Do not reissue Bench Warrant, close file except for collection of fines

Witness is no longer available

Investigative Officer is not available

No Disposition - Dismiss Case

Other: _____

Date

Prosecuting Attorney

Court's Decision

Re-issue Bench Warrant – Bail: Amount Requested

New Amount _____

Do not reissue Bench Warrant, close file except for collection of fines

No Disposition - Dismiss Case

Other: _____

Date

Judge

Local District Court Criminal Rule 3.1
LCrRLJ 3.1

AUTOMATIC WITHDRAWAL OF ATTORNEY
APPOINTED AT PUBLIC EXPENSE

District Court Rules
Mason County District Court

Proposed

LCrRLJ 3.1 (e)

- (1) Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty (30) days following a final decision of the court as defined in RALJ, without further notice to the court.
- (2) An attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty (30) days upon the issuance of a warrant without further notice to the court.

[Adopted effective 9-1-2015]

AMENDED RULE

Local District Court Criminal Rule

LCrRLJ 3.6 (c)

SUPPRESSION HEARING PROCEDURES

District Court Rules **Mason County District Court**

Proposed

LCrRLJ 3.6(c) - Suppression Hearing Procedure

The parties shall comply CrRLJ 3.6.

The motion should be filed with the court at least seven (21) days of the motion date unless leave is granted by the court. A copy of the motion and supporting documents must be served on the opposing party at least (14) fourteen court days prior to the date set for hearing and a response must be filed with the court no less than (7) seven days unless leave is granted.

As a matter of professional courtesy, the parties shall file bench copies of all motions, affidavits, and memoranda at the time of filing of the original documents.

AMENDED
Local District Court Criminal Rule

LCrRLJ 4.5.1

PRE-TRIAL PROCEDURES

District Court Rules
Mason County District Court

Proposed

LCrRLJ 4.5.1- Pretrial Procedures

(a) Duty of Parties.

It is the duty of the parties and their counsel to move the cases forward as expeditiously and fairly as possible.

(b) Pre-trial Hearings

The Court shall set all out of custody cases where a plea of not guilty has been entered for a pretrial hearing within 45 days after the date of first appearance, all in-custody cases will be set within approximately 14 days after arraignment. The court has the authority to set a different schedule. Said hearing shall provide an opportunity for plea negotiations, resolution of discovery issues and trial setting. All defendants must be present, with counsel, unless previously excused by the court. Failure to appear for the pretrial hearing may result in the issuance of a warrant of arrest and/or forfeiture of any bail or bond.

(c) 3.5 Notice of 3.5 and 3.6 Motions

All demands for a CrRLJ 3.5 hearing on admissibility of statements or confessions must be made in writing and filed no later than the pretrial hearing absent a showing of good cause. The Court will set hearing dates for motions filed as part of that proceeding. See LCrRLJ 3.6 for suppression motions.

(d) Imposition of Jury Costs

In order to efficiently schedule the calling of jurors, to avoid unnecessary disruptions of the jurors lives, and to further avoid the waste of public funds, the court will require notification that a jury trial will not commence, no later than 3:00 p.m. the last court day before the scheduled start date of the trial. The court reserves the right to impose terms against the responsible party for jury costs.

(e) Trial Confirmation Hearing. See LCrRLJ 4.11

[Adopted effective 9/1/2015/amended 9/1/17, amended 9/1/19]

NEW RULE

LCrRLJ 4.7 (h) – Secondary dissemination of discovery

Proposed Rule:

District Court Rules **Mason County District Court**

LCrRLJ 4.7 (h) - Secondary Dissemination of Discovery:

- 1) Scope. This rule only pertains to discovery being provided to alcohol and drug treatment agencies, Domestic Violence and Anger Management agencies, and mental health agencies, when the defendant is represented by counsel. It does not pertain to defendants who are pro-se or for secondary disclosures of discovery to other organizations.
- 2) With the exception of court ordered competency evaluations pursuant to RCW 10.77, it is the obligation of the defense attorney of record or designee to provide any needed discovery to any alcohol and drug treatment agencies, Domestic Violence and Anger Management agencies, and or mental health agencies when the information is needed to complete any court ordered evaluations or for purposes of the defendant and his or her attorney to prepare the case. While un-redacted copies may be given to such agencies, no further dissemination of the copies will be allowed without further court order and no defendant shall sign any release for further disclosure without the agreement, in writing, with the prosecuting authority or by a court order of this court in the case for which the discovery was provided.
- 3) In cases where there has been no attorney of record, the defendant shall make his or her own arrangements with the prosecuting authority. Where there is an attorney of record at the time of disposition, the obligations under part 2 of this rule will be carried out, regardless of whether a Notice of Withdrawal has been filed.
- 4) Nothing in this rule shall be construed as to shift the responsibility of choosing and arranging for an evaluation from the defendant to her or his attorney.
- 5) Nothing in this rule shall be construed as to eliminate the prosecuting authority's rights under CrRLJ 4.7(g)(3) to require either an agreement on redactions or a court order, if no such agreement can be reached.
- 6) Nothing in this rule shall be deemed to prevent the Prosecuting Authority from supplying the discovery should it choose.

AMENDED RULE

Local District Court Criminal Rule
LCrRLJ 4.11

JURY TRIAL CONFIRMATION - Notification of Court

District Court Rules

Mason County District Court

LCrRLJ 4.11 - JURY TRIAL CONFIRMATION - Notification of Court

- a) The court will set in all criminal cases, a pre-trial, confirmation hearing, and a jury trial date. Each of these hearings are necessary hearings requiring the actual presence of the defendant. The trial date will be scheduled on the first court day of the trial week of the month in which the trial is being set.
- b) The prosecutor, defense counsel and the defendant shall attend the confirmation hearing. If the defendant fails to appear for the confirmation hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date.
- c) At the Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. The court shall also in cases where trial is being confirmed, determine which date will be the actual start date for the trial.
- d) The parties, no later than the confirmation date, shall disclose the following;
 1. The defense will disclose any defenses other than general denial to the prosecuting authority
 2. Each party shall disclose all witnesses including phone, address and email to the other side that they intend to call unless those witnesses are contained in the police reports.
- e) For cases that actually confirm onto trial, each party shall submit jury instructions, one cited and one uncited, to the court, and one cited to opposing counsel no later than the last Friday before the trial week on which the case is scheduled. Parties will also either provide copies of exhibits or make the exhibits available for inspection to the opposing sides, no later than the last Friday before the trial week on which the case is scheduled. Unless inspected by the opposing side, any Power Point or similar slide show materials will require an in-camera review by the court. If the party with such presentation does not allow such review by opposing parties or an in-camera review by the court, the materials will not be allowed to be shown at trial.
- f) Violation of these requirements may result in continuance of the trial and sanctions for the party violating the rules.

Local District Court Infraction Rule 2.4
LIRLJ 2.4

RESPONSE TO NOTICE OF INFRACTION

District Court Rules
Mason County District Court

LIRLJ 2.4

RESPONSE TO NOTICE OF INFRACTION

(a) Generally. A person who has been served with a notice of infraction must respond to the notice within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed.

(b) Alternatives. A person may respond to a notice of infraction by:

- (1) Paying the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the defendant has committed the infraction;
- (2) Contesting the determination that an infraction occurred by requesting a hearing in accordance with applicable law;
- (3) Requesting a hearing to explain mitigating circumstances surrounding the commission of the infraction in accordance with applicable law; or
- (4) Submitting a written statement either contesting the infraction or explaining mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed.

For contested hearing, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(Date and Place)

(Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

For mitigation hearings, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(Date and Place)

(Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

(c) Method of Response. A person may respond to a notice of infraction either personally, by mail or by e-mail DistrictCourt@co.mason.wa.us. If the response is mailed or e-mailed it must be postmarked or e-mailed not later than midnight of the day the response is due.

{see form LIRLJ 2.4, LIRLJ 3.5}

[Adopted effective 9/1/2015]

Local District Court
LIRLJ 2.6

INFRACTION HEARINGS

District Court Rules
Mason County District Court

Proposed

LIRLJ 2.6 - INFRACTION HEARINGS

(c) Decisions on Written Statements. Mitigation hearings shall generally be held in open court. The procedure set forth in IRLJ 3.5, allowing decisions on written statements is authorized.

[Adopted effective 9-1-2015]

AMENDED

Local District Court Infraction Rule 3.1 LIRLJ 3.1

CONTESTED HEARINGS – COST AND WITNESS FEES

District Court Rules Mason County District Court

Amended to: LIRLJ 3.1 (f)

CONTESTED HEARINGS - COSTS AND WITNESS FEES

Costs and Witness Fees. Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Adopted effective 9/1/2015]

AMENDED

LIRLJ 3.2 (b)

MOTION FOR VACATION OF DEFAULT JUDGMENT FOR FTA

District Court Rules **Mason County District Court**

AMENDED TO:

LIRLJ 3.2(b) - Motion for Vacation of Default Judgment for FTA

A defendant, against whom a judgment for a traffic infraction has been entered by default for failure to appear, may file a motion in writing, requesting that said default judgment be set aside. The motion will then be set for hearing. Defendant must be present unless the judge authorizes otherwise. The motion will be evaluated in conformity with CRLJ 60(b). If the Court grants said motion, the matter will be set for a hearing of the kind requested by the defendant (Refer to LIRLJ 2.6). Mitigation hearings may be heard at the time of the motion if the calendar allows.

A defendant requesting the court to vacate a Default Judgment for FTA shall do so by filing a motion in substantially the following form:

{see form LIRJ 3.2 (b)}

[Adopted effective 9/1/2015, Amended 9/1/19]

MASON COUNTY DISTRICT COURT

STATE OF WASHINGTON, Plaintiff

Vs. _____, Defendant

Cause No. _____

Motion/Order to Vacate Default Judgment On Finding of Commission of Infraction

I move the Court to vacate the default judgment entered on _____ Pursuant to IRLJ 6.7 and CRLJ 60(b) for the following reason(s):

If the Judge grants my motion to vacate, I would request the following hearing:

[] Mitigation hearing [] Contested hearing.

Note: The hearing will be in-person unless you choose to submit in writing per LIRLJ 3.5.

I certify (or declare) under penalty of perjury under the Laws of the State of Washington that the foregoing is true and correct.

Date: _____

Defendant's Signature

Your current mailing address: _____

City State Zip

**If mailing form, return to: Mason County District Court, PO Box "O", Shelton, WA. 98584

(Upon receipt of this completed form, a Judge will review the Motion to Vacate and you will be notified of the decision by mail per LIRLJ 3.5. If you requested a hearing and it is granted, you will be notified in writing of the date and time of the hearing at the address you provide on this form.

(Do not write in this section – Judge/Commission will complete this section at the time of your hearing)

RULING

Motion Denied

- Motion Granted/Judgement Vacated
 - Set for Mitigation Hearing
 - Set for Contested Hearing
 - Other:

DATED: _____

Judge/Court Commissioner/Pro-tem

Local District Court Infraction Rule 3.5
LIRLJ 3.5

DECISION ON WRITTEN STATEMENTS

District Court Rules
Mason County District Court

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings on alleged traffic infractions may be held upon written statements and email statements pursuant to IRLJ 2.4 (4) IRLJ 2.6 (c) and IRLJ 3.5.

(a) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(1) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(2) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3.

(3) Notice to Parties. The court shall notify the parties in writing whether an Infraction was found to have been committed and what penalty, if any, was imposed.

(4) No appeal Permitted. There shall be no appeal from a decision on written statements.

(b) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers.

(c) The procedure set forth in IRLJ 3.5, allowing decisions on written statements or E-mail sent to MasonDistrict@co.mason.wa.us is authorized.

A defendant requesting the court to decide the case on written statements shall do so by completing a statement in substantially the following form:

{See form LIRLJ 2.4, LIRLJ 3.5 Form}

[Adopted effective 9/1/2015]

MASON COUNTY DISTRICT COURT

State of Washington,

Plaintiff

VS.

Defendant

Defendant's Request for Decision on Written Statement

Infraction Number: _____

- Mitigation Hearing
- Contested Hearing

TO: Mason County District Court

I hereby request that the Court decide my case based upon the following statement:

- I have read and agree to abide by the rules and procedures governing hearings by mail.
- I understand that **Infraction Rules for Courts of Limited Jurisdiction 3.5(e)** provides **“There shall be no appeal from a decision on written statements”**.
- I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the Court.
- I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the below certification.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.

Date and Place signed (City) _____

Defendant's Signature: _____

Current Mailing address: _____

Phone #: _____