

Faulk, Camilla

From: John Plovie [jplovie@plovielaw.com]
Sent: Wednesday, March 14, 2007 2:10 PM
To: Faulk, Camilla
Cc: gaylen; Bob Kaufman; Jeff Grinnel; Jeff Yonek; John Plovie; John Shields; Kevin Underwood; Kimberly Olsen; Owen Wales; Pat Layman; Eiler, Judith; Lisa Allison
Subject: Proposed changes to CRLJ 56

Dear Ms. Faulk:

I understand the comment period on the proposed change to CRLJ 56 expires April 30, 2007.

I do not think revising CRLJ 56 to be consistent with CR 56 is appropriate in a District Court setting.

In a District Court, trials are often set very soon after an Answer is filed. In some courts, particularly in Eastern Washington, the trial date is "automatically" set about 30 days after the Answer is filed. To "shoehorn" in a hearing for a Summary Judgment, and allow for the court's schedule that only allows civil hearings 2 or 3 times a month, is going to make it extremely difficult to schedule a Summary Judgment hearing before trial.

It would require the courts to continue trial dates which would add to the paperwork load on the court staff as well.

In Superior Court, most parties are represented by attorneys. In District Court many civil defendants are pro se. It has been my experience that most pro se defendants do not return my phone calls or stipulate to trial continuances. This necessitates a motion hearing for a continuance of the trial date which runs up the attorney fees and adds to the court's workload.

Finally, it has been my experience that we will have a court return our Summary Judgment pleading with the explanation that the calendar is "full". This rule would require we delay our motion in such cases by 30 days plus some additional days or weeks to accommodate scheduling issues. The effect in such cases would be a delay of 60 to 90 days from the time a motion for Summary Judgment is noted until it is heard.

It would be very difficult to accomplish a Summary Judgment hearing before trial. I predict that the number of trials would increase if this rule is changed. I also predict that more cases would be filed in Superior Court.

Changing this rule is not something I can support. I don't believe it is in the best interest of the Courts or the public.

Yours Truly,

John Plovie
Plovie Law Firm P.S.
425-881-1882
425-867-5113 Fax
P.O. Box 878
8118 165th Ave. N.E.
Redmond, WA 98073-0878

This email and any accompanying attachments may contain confidential and/or privileged information intended solely for the person or entity named above. Any dissemination, distribution, copying, or action taken in reliance on the contents of this communication by anyone other than the intended recipient is prohibited. If you have received this email in error, please immediately delete the email and either notify the sender at the above email address or by telephone. Thank you.

3/14/2007