

FCR EFAS

ELECTRONIC FILING AND SERVICE

(a) Electronic filing (“eFile”) authorization, charges, exceptions, and waiver [option: and non-compliance].

- (1) *Mandatory Electronic Filing.* Effective [30 days after go-live], attorneys shall electronically file (eFile) all documents using the court’s designated eFiling service, eFile & Serve, unless this rule provides otherwise. Non-attorneys or *pro se* parties are not required to eFile, but are encouraged to do so.
- (2) *Documents That Shall Not Be e-Filed.* The following documents may not be eFiled:
 - (a) A criminal case initiation document (e.g., complaint, citation, or notice of infraction) that is not submitted through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application per GR 30(d)(ii);
 - (b) A document that is required by law to be filed in non-electronic format, for example, original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal;
 - (c) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
 - (d) Documents larger than permitted in the User Agreement.
- (3) *Working Copies.* Attorneys and other eFilers are not required to provide duplicate paper pleadings as “working copies” for judicial officers.
- (4) *Waiver of the Requirement to eFile for attorneys.*
 - (a) If an attorney is unable to eFile documents, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who receive a waiver shall place the words “Exempt from eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.

(b) Upon a showing of good cause the court may waive the requirement as to a specific document or documents on a case by case basis.

(5) *Non-Compliance with this Rule.* If an attorney files a document in paper form and does not have an approved waiver from e-Filing, the court may assess a fee against the attorney for each paper document filed.

(b) Electronic Service. If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

RULE IRLJ 3.5

DECISION ON WRITTEN STATEMENTS

(a) Contested Hearings. A person who has received a traffic or civil infraction may request by U.S. Mail or e-mail to contest their infraction. 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. A person's mitigation hearing will be by U.S. Mail or e-mail. The hearing shall be held in chambers and shall take place within 120 days after the defendant's request for a mitigation hearing was received by the court. Individuals unable to appear by U.S. Mail or e-mail may appear in person for a mitigation hearing; upon request, the court will send notice of the hearing date. The hearing will be conducted on the record. The court shall notify the defendant in writing of its decision, including any penalty imposed. There is no appeal from a decision in a mitigation hearing.

[Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; amended effective September 1, 1997; amended effective January 3, 2006; amended effective September 1, 2021]

FCRLJ 55

Any party seeking a default judgment shall submit at least the following to the Court contemporaneously with the motion for default judgment, unless otherwise excused by the Court for good cause, regardless of whether any of these required documents have been filed with the Court prior to the motion:

(1) A copy of the original proof of service shall be submitted with every motion for default judgment.

(2) In Debt Buyer causes of action involving debt purchased on or after June 11, 2020: proof as set forth in RCW 19.16.260. An affidavit by counsel under CRLJ 55(b)(1) is sufficient as to the amount of the debt only.

(3) In assigned causes of action: a copy of the assignment interest. If the debt was assigned more than once, each assignment or other writing evidencing transfer of ownership must be submitted to establish an unbroken chain of ownership, beginning with the original creditor to the first debt buyer and each subsequent sale.

(4) In causes of action based on all contracts: sworn testimony to prove performance(s) may be required; a copy of the contract, if written; proof of the items of account and any credits; the factual basis for the breach; and the final amount of the principal owing (the final amount should be underlined and highlighted). In addition:

- (i) In causes of action based on open account: a written statement of account setting forth all charges and credits and the dates thereof on the principal and separately listing any statement of any interest or surcharges; and a statement of the nature of merchandise or services furnished.
- (ii) In causes of action based on a check as defined in RCW 62A.3-104 or a promissory note: the original or a document which comports with the Rules of Evidence (ER), including an attestation that the document is reliable.
- (iii) In causes of action based on credit card debt: the original or a copy of billing statements in the debtor's name showing cumulative charges to the extent available, interest, interest rate, payments, credits and, if available, a statement of the nature of merchandise or services furnished; and a final billing statement proving the principal.

LCRLJ 65
ISSUANCE OF JUDICIAL SUBPOENA PURSUANT TO RCW 50.13.070

A Judgment Creditor may request that the Court issue a judicial subpoena for employment records pursuant to RCW 50.13.070 upon the filing and service of a motion supported by an affidavit / sworn statement under penalty of perjury and notice directed to the Clerk of the Court and the Judgment Debtor. The notice shall indicate that the Judgment Creditor holds an unsatisfied judgment against the Judgment Debtor, that the Judgment Creditor has requested the Court to issue a subpoena pursuant to RCW 50.13.070, that the motion will be granted unless the Judgment Debtor objects to the motion and demands a hearing within 13 days of the date of mailing of the notice. The notice shall indicate that the legal issue at the hearing on the motion is any privacy concern that the Judgment Debtor may have. The Judgment Creditor shall also serve upon the Judgment Debtor a Demand and Notice of Hearing form which the Judgment Debtor may complete. The Demand and Notice shall also provide the Judgment Debtor with instructions regarding completing the form and service of the form on the Court and the Judgment Creditor. The Demand and Notice of Hearing form shall contain a date for hearing on the Court's 2:30PM motion calendar held the fourth Tuesday of each month, which hearing shall not be less than 7 days from deadline to respond to the Motion. The forms provided in this rule are deemed to satisfy the requirements of this rule.

(1) **ISSUANCE OF SUBPOENA, *EX PARTE*.** If the Judgment Creditor files the motion, notice, and demand for hearing form along with evidence of service, and the Judgment Debtor fails to file the demand for hearing form, the Court may issue the subpoena without a hearing or further notice to the Judgment Debtor.

(2) **HEARING REGARDING ISSUANCE OF SUBPOENA.** If the Judgment Debtor files the Demand and Notice of Hearing form, the Clerk of the Court shall docket the matter for hearing on the date and time set out in the demand. The matter is deemed ready for hearing and the parties need not call the matter ready for the Court.

FORMS

1. MOTION

(Judgment Creditor), Judgment Creditor and Plaintiff in this matter, moves the Court for a Judicial Subpoena pursuant to RCW 50.13.070.

This motion is based on the fact that (Judgment Creditor) holds an unsatisfied judgment against (Judgment Debtor) and is in need of information which is deemed confidential by RCW 50.13.020, in order to obtain a source of assets to satisfy the judgment.

Dated: _____

/s/ Judgment Creditor's Attorney.

Judgment Creditor

(address)

(city, state)

2. SWORN DECLARATION FOR ORDER FOR SUBPOENA; RCW 50.13.070

Under penalty of perjury of the State of Washington the following is true and correct;

I am the (attorney for) (authorized agent of) the above named Plaintiff;

Plaintiff has a judgment wholly or partially unsatisfied against the Defendant in the Court from which this order is sought;

Plaintiff has reason to believe and does believe that the Defendant below named is employed and/or has assets in excess of those exempt from garnishment under Washington law, to wit:

Defendant Name: (Defendant's name) SSN: ***-**-____)

Plaintiff believes the Department of Employment Security has information concerning Defendant's past and current employment. Plaintiff needs the information in order to collect this judgment which Defendant has not paid.

I certify under penalty of perjury under the laws of the State of Washington the foregoing is true and correct.

Dated this ____ day of _____, 201__.

(attorney / authorized agent)

3. NOTICE

TO THE CLERK OF THE COURT, and
TO (Judgment Debtor), JUDGMENT DEBTOR:

Please take notice that (Judgment Creditor) has requested that the above entitled court issue a Judicial Subpoena directed to the Washington State Employment Security Department, in order to obtain your employment records. In order for the Court to issue the subpoena, the Court must find that (Judgment Creditor) holds a judgment against you, that the judgment has not been paid in full, and that (Judgment Creditor's) need for the information outweighs concerns you have regarding the privacy of this

information.

You may do two things:

(1) If you choose not to act, the Court will issue the Subpoena without notice to you.

(2) If you choose to demand a hearing, you must complete the enclosed Demand and Notice of Hearing form and file it with the Franklin County District Court and mail it to the Judgment Creditor at the addresses below within 13 days of the date of mailing of this notice to you. The Date, Place and Time for your hearing is contained in the Demand and Notice of Hearing. Please keep a copy of the Demand for your records. This is your opportunity to be heard and this is the only notice you will receive. The motion will be granted unless you object to the motion and demand a hearing as described herein. Your deadline to file and serve the Demand and Notice of Hearing is (Date).

At the hearing, you will have an opportunity to present privacy concerns that you may have.

Dated: _____

/s/ Judgment Creditor's Attorney.

Clerk of the District Court
1016 N 4th
Pasco, WA 99301

Judgment Creditor
(address)
(city, state)

4. DEMAND AND NOTICE OF HEARING (RCW 50.13.070)

TO THE CLERK OF THE COURT and
TO THE JUDGMENT CREDITOR:

Please take notice that the Judgment Debtor hereby demands a hearing regarding the issuance of a Judicial Subpoena for Employment Records pursuant to RCW 50.13.070.

The Hearing shall be on the fourth Tuesday of (Month) (Month/day/year), at 2:30PM or as soon thereafter as it may be heard at the Franklin County District Courthouse, Room 224, 1016 N 4th, Pasco, Washington. This is the only notice you will receive of this hearing.

This Demand and Notice of Hearing must be filed with the Clerk of the Court and mailed to the (Judgment Creditor) on or before (Date) at the following addresses:

Clerk of the Court
1016 N 4th
Pasco, WA 99301

Judgment Creditor
(address)
(city, WA 99200)

Dated: _____

/s/ Judgment Debtor

5. SUBPOENA

The Court considered the file herein and the Plaintiff's motion. The Court finds that the Plaintiff is a Judgment Creditor in this matter. The Plaintiff's need for employment information in order to allow the Plaintiff to discover a source to satisfy that judgment outweighs the privacy concerns of the Defendant/Judgment Debtor. The information is otherwise accessible through a proceeding under RCW 6.32.010.

Finding that the requirements of RCW 50.13.070 have been met, the Court orders as follows:

TO THE EMPLOYMENT SECURITY DEPARTMENT OF WASHINGTON:
You are hereby directed to provide employment information to (Judgment Creditor) for the following individuals for a period of 2 years from the date this Judicial Subpoena is issued:

(Judgment Debtor)

Issued on: _____

Judge Franklin County District Court

[Effective August 1, 2016]