

**PIERCE COUNTY DISTRICT COURT  
LOCAL RULES**

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**PIERCE COUNTY DISTRICT COURT  
LOCAL RULES**

**ADMINISTRATIVE RULES (LARLJ)**

LARLJ 1 - LOCAL RULES SUSPENSION

A. Any of these rules may be suspended or modified, upon good cause shown, by written stipulation of the parties approved by the court, or by the court upon its own motion.

LARLJ 2 - FORM OF PLEADINGS - STYLE AND FORM FACILITATING PROOF OF SERVICE AND FILING OF PAPERS

Style and Form. (See: CRLJ 5 and 10 and CrRLJs 1.5 and 8.4.)  
Filing with Court. (See CrRLJ 8.4(c) and CRLJ 5.)

1. Action Documents: Pleadings or other papers requiring action on the part of the Clerk/Court (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: "Clerk's Action Required: (here state the action requested)".

2. Format Recommendations: It is recommended that all pleadings and other papers include or provide for the following:

a) Service and filing: Space should be provided at the top of the first page of a document allowing on the right half for the clerk's filing stamp, and in the left half for proof of or acknowledgment of service. Common pleading or service forms should be two-hole punched at the page top for fastening in court files.

b) Numbered paper: All pleadings, motions, affidavits, briefs, and other supporting documents prepared by attorneys/parties should be on paper with line numbering in the left margin.

c) Handling by clerk: All pleadings or other papers with proper caption and cause number will be date receipted, docketed, and secured/placed in the court file by the clerk of the District Court in the order received.

[Amended effective September 1, 2020.]

EXAMPLE (1) LARLJ 2

SPACE FOR SERVICE PROOF

SPACE FOR COURT FILING STAMP

PIERCE COUNTY DISTRICT COURT, PIERCE COUNTY WASHINGTON

Plaintiff	)	Cause No.
	)	
-vs-	)	CLERK'S ACTION REQUIRED: SET THIS
	)	MOTION FOR HEARING
	)	
Defendant	)	MOTION FOR _____

FOR ATTORNEY USE

Please set hearing prior to trial date.  
Please set hearing day of trial.

FOR CLERK'S USE ONLY

This matter set for hearing on the day of \_\_, 20\_\_.

This matter to be heard on trial date, prior to start of actual trial.

[Amended effective September 1, 2020.]

SPACE FOR SERVICE PROOF

SPACE FOR COURT FILING STAMP

PIERCE COUNTY DISTRICT COURT, PIERCE COUNTY WASHINGTON

	)	
Plaintiff	)	Cause No.
	)	
-vs-	)	CLERK'S ACTION REQUIRED: SET THIS
	)	MOTION FOR HEARING
	)	
Defendant	)	MOTION FOR _____

The clerks will not search out action items. They will not search through letters, notices of appearance, requests for discovery, or other materials, to locate possible requests for action, such as: preservation of jury trial, non-waiver of 60/90 day rule (this needs a request to set within the correct time, see CrRLJ 3.3), or concern with witnesses. Amongst CRLJs impacted by this rule are:

- CRLJ 2A Stipulations
  - CRLJ 4 Process
  - CRLJ 5 Service and Filing of Pleadings and Other Papers
  - CRLJ 7 Pleadings Allowed: Form of Motions
  - CRLJ 10 Form of Pleadings
  - CRLJ 12 Defenses and Objections Reconsideration, and
  - CRLJ 13 Counterclaim and Cross Claim
  - CRLJ 15 Amended and Supplemental Pleadings
  - CRLJ 26 Depositions Pending Action
  - CRLJ 38 Jury Trial
  - CRLJ 40 Assignment of Cases
  - CRLJ 41 Dismissal of Actions
  - CRLJ 45 Subpoena
  - CRLJ 54 Judgments/Costs
  - CRLJ 55 Default
  - CRLJ 56 Summary Judgment
  - CRLJ 59 New Trial, Reconsideration, and Amendment of Judgments
  - CRLJ 60 Relief from Judgment or Order
  - CRLJ 71 Withdrawal by Attorney
- [Amended effective September 1, 2020.]

LARLJ 4 - CANCELLATION NOTIFICATION OF SUMMARY JUDGMENT MOTIONS, JURY TRIALS, VISITING JUDGE CASES AND CIVIL TRIALS REQUIRING IN EXCESS OF ONE COURT DAY TO COMPLETE

Cancellation notification in writing or telephonically must be given to the Pierce County District Court ~~No. One~~ Civil Section at least 48 hours prior to the date and time the hearing is scheduled to take place.

If cancellation notification is not received at least 48 hours prior to the date and time of the hearing, the following sanctions may be imposed:

1. Jury Trial, Visiting Judge Case or Court Trial in Excess of One Day
  - Terms of up to \$50.00 may be assessed against each party.
2. Summary Judgment Motion - Terms of up to \$25.00 may be assessed against each party.

Trial and/or motion dates will not be rescheduled until sanction payments are received by the Court.

[Amended effective September 1, 2020.]

LARLJ 5 -RETRIEVING CASE FILES FROM STATE ARCHIVE OR DISTRICT COURT STORAGE FACILITY

Retrieval from County Archives: Case files that have been transcribed, dismissed or satisfied are processed and transmitted to the State Archive Facility in accordance with the State Retention Schedule. In order to retrieve a case file from the State's facility a request form must be completed. The cost to retrieve a case file from archives will be set by court policy per case file. This fee covers the cost charged by the State to retrieve documents.

Retrieval from District Court Facility: Due to limited storage space, some open civil case files are stored outside the County/City Building. These case files are accessed from the off-site facility on a weekly basis at no cost to the party requesting the case file.

LARLJ 6A - SMALL CLAIMS MEDIATION

Mediation is mandatory before a trial is allowed. The court will set the date for mediation at the time of filing. Both parties must attend the mediation. If the plaintiff fails to appear, a dismissal will be entered. If the defendant fails to appear, their answer, if one was filed, will be stricken and a default judgment entered. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to settle the case if possible; if no settlement is made at mediation, the case will be set for trial. Attorneys and paralegals may not represent parties at mediation.

If the parties have already submitted the case to another type of mediation or arbitration service, the case may proceed directly to trial.

#### LARLJ 6B - CONTINUANCE OF MEDIATION OR SMALL CLAIM TRIAL

The party requesting the continuance must contact the other party who must also agree to the continuance. Both parties must contact the Court in person or by telephone.

If one party will not agree to the continuance, the party seeking the continuance may make a written motion for continuance and set a hearing date prior to the scheduled mediation or trial date. The motion and notice of hearing must be served on the opposing party not less than five days prior to the date set for the motion to continue. At the hearing, the Judicial Officer will make the ruling if the matter will be continued.

If there are less than five days prior to the mediation or trial date to serve the opposing party, the party requesting the continuance may contact the Court to explain the circumstances which require the mediation or trial to be continued. The matter may be continued by the Court upon showing of good cause.

#### LARLJ 7A - INFRACTION WITNESSES

The District Court will not serve or forward subpoenas issued pursuant to IRLJ 3.1. Pursuant to IRLJ 6.6, a request for a Speed Measuring Device Expert shall be made at the time of the request for a contested hearing to allow appropriate scheduling of the hearing. Failure to do so shall result in an IRLJ 6.6(c) continuance of the hearing to a subsequent hearing when an expert will be available. The defendant may in the alternative waive the presence of the expert at the hearing and accept the IRLJ 6.6 affidavit in lieu of testimony.

#### LARLJ 7B INFRACTION DISCOVERY REQUEST

Discovery requests other than a copy of the infraction, the officer's report and the speed measuring device certification must be set for hearing to determine the relevance of such requests.

LARLJ 8 - MANDATORY ELECTRONIC FILING

(a) Definitions - See GR 30(a)

(b) Electronic filing and service - See GR 30(b)(1-4)

(c) Electronic filing ("eFile") authorization, charges, exceptions, and waiver.

(1) *Mandatory Electronic Filing*. Effective 30 days after go-live. All attorneys shall file (eFile) documents using the Court's designated eFiling service, unless this rule provides otherwise. Non-attorneys or *pro se* parties are not required to eFile but are encouraged to do so.

(2) *Filing Fee*. Electronically filing documents through the Court's designated eFiling service will be free for all users. Any statutorily imposed filing fee or surcharge, however, will need to be paid, unless the Court waives the filing fee or surcharge pursuant to GR 34.

(3) *Documents That Shall Not Be eFiled*. The following documents must be filed in paper form:

(a) Documents that are required by law to be filed in non-electronic format, for example: original wills, certified records of proceedings for purposes of appeal, negotiated instruments, and documents of foreign governments under official seal including foreign and out-of-state protection orders or judgements;

(b) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;

(c) Documents presented for filing during a court hearing or trial including documents for in camera review pursuant to GR 15;

(d) Documents larger than permitted in the User Agreement. If a party files a document that is larger than 8 ½" x 11", or files a color document, other parties can request a hard copy of those documents. When a request is received, the filing party shall provide a hard copy of the non-standard or color document within two (2) court days after receipt of the request.

(4) *Documents That May Be Filed in Paper Form Rather Than eFiled*. 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) may be filed in paper form.



(5) *Retention policy.* If eFiled, the filing party must retain the original document during the pendency of any appeal and sixty (60) days after resolution of the case. A party shall present the original document(s) if requested by the Court.

(6) *Time for Filing.* An eFiled document is considered filed with the court when it is received by the court's e-filing system during regular business hours. Any document electronically filed with the court by 4:30 PM Pacific time on a business day shall be deemed filed on that date. A document filed after 4:30 PM Pacific time or on a non-business day shall be considered filed on the next business day.

(7) *Waiver of the Requirement to eFile.* If an attorney is unable to eFile documents, the attorney must request a waiver from the court. The attorney must show good cause why paper document(s) must be filed. 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 and 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. Upon a showing of good cause, the court may waive the requirement as to a specific document(s).

(8) *Electronic Service.*

(a) When a party eFiles a document, the party must serve that document using the eServe function. E-Service under this subsection constitutes service under CRLJ 5 and is complete as stated in CRLJ 5(b)(7).

(b) If a party serves another party electronically or via email, the receiving must accept service from the other party(ies) electronically or via email.

(c) *Updating E-Mail Addresses.* It is the responsibility of attorneys and self-represented parties to keep their e-mail address updated. Attorneys must keep their e-mail address updated with the Washington State Bar Association. Self-represented parties must update their e-mail address with the Pierce County District Court Clerk's Office by e-filing a notice of change of address. Attorneys and self-represented parties will be considered served if served using the e-mail address currently on file in the Court's case management system.

(d) *Exceptions to E-Service.* E-service does not apply:

(i) When a self-represented party has not registered for e-service;

(ii) when a statute or rule requires personal service;

(iii) for documents not filed with the court (e.g. discovery);

(iv) when a waiver has been obtained as set forth in this Rule.

(9) *Force and Effect.* Electronically filed court records have the same force and effect and are subject to the same right of public access as documents not eFiled.

(10) *Non-Compliance with this Rule.*

(a) The Court may assess a fee of \$20.00 dollars per electronic document to a person whose signature is on an electronic document eFiled with the Court that requires special handling because of: (i) errors; (ii) failure to follow court rules or statutes; and/or files a document in paper form without an approved waiver.

(b) If an attorney or self-represented party serves a document in a manner that does not comply with this section, the document shall be deemed to have not been served pursuant to CRLJ 5, and the Court in its discretion can refuse to consider the document.  
[Adopted effective (September 1, 2022)]

**PIERCE COUNTY DISTRICT COURT  
LOCAL RULES**

**CIVIL RULES (LCRLJ)**

LCRLJ 1 - FORMS OF PLEADINGS-STYLE AND FORM- FACILITATING  
PROOF OF SERVICE AND FILING OF PAPERS/CLERKS ACTION REQUIRED  
SEE LARLJ 2 FOR FORMAT OF PLEADINGS

LCRLJ 4.1 - MINOR'S NAME CHANGE NOTICE REQUIREMENTS

1. Any petition for a change of name of a minor shall be made in accordance with RCW 4.24.130 and court rules.

2. A petition for a change of a minor's name must be brought by a parent or legal guardian.

3. The petitioner must file with the Court:

(a) Written and notarized approval of the proposed name change from the non-petitioning legal parent or guardian; or

(b) Proof that the non-petitioning legal parent or guardian has had their parental rights terminated by a Court of Law; or

(c) Proof that, at least ten (10) days prior to the hearing, the non-petitioning legal parent or guardian was served with the name change petition and notice of the hearing (to include: date, time, and location of the hearing).

**Service as contained in this rule must be actual notice or by publication as provided in CRLJ 4.**

[Adopted effective September 1, 2021]

LCRLJ 5 - FILING OF PLEADINGS AND OTHER PAPERS

1. Documents Not to be Filed:

a) Interrogatories and depositions without written permission of Pierce County District Court, unless necessary for the disposition of a motion or objection;

b) Unanswered request for admissions, unless necessary for the disposition of a motion or objection;

c) Photocopies of reported cases, statutes, or texts appended to a brief or otherwise, shall not be filed, but may be furnished directly to the Judge hearing the matter; and

d) Documents or copies thereof which should be received as exhibits rather than part of the court file.

e) Evidence Rule 904 documents.

[Amended effective September 1, 2020]

LCRLJ 10 - PRO SE LITIGANTS

In accordance with District Court rules, all pro se defendants must respond to the service of a Summons and Complaint by filing a Pro Se Appearance and Answer in the form of the civil rules or by utilizing the uniform form set forth in these rules. The original of the Pro Se Appearance and Answer shall be filed with the court and a copy served upon the plaintiff or plaintiff's attorney.

PIERCE COUNTY DISTRICT COURT NO. ONE, PIERCE COUNTY  
WASHINGTON

Plaintiff, )  
) NO.  
)  
-vs- ) PROSE APPEARANCE AND ANSWER  
)  
Defendant. )  
)

1. My name is:

\_\_\_\_\_

2. My address is:

\_\_\_\_\_

3. Email: \_\_\_\_\_

3. Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

4. I am appearing:

\_\_\_\_\_ for myself  
only

\_\_\_\_\_ for myself and  
whose address is: \_\_\_\_\_

5. I admit the following paragraph and/or subparagraph  
numbers of the complaint:

6. I deny the following paragraph and/or subparagraph  
numbers of the  
complaint: \_\_\_\_\_

7. The specific reason(s) I denied the paragraph(s) listed in  
number six (6) above is/are as follows: \_\_\_\_\_

I have read the above appearance and answer, the statements  
made are true to the best of my knowledge.

DATE: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

[Amended effective September 1, 2020.]

LCRLJ 14 - REMOVAL OF SMALL CLAIM TO CIVIL STATUS

1. Cross claim or counter claim: Defendant or Counsel may file a Summons and Complaint by paying the filing fee and move the Court to consolidate the Small Claim action to and the Civil action under the District Court number. A date will be set and both parties notified.

2. Other: In a case where there will be no cross claim or counter claim, the defense counsel shall file a motion asking that the matter be moved to the District Court. If the motion is granted, Defense Counsel must, within fourteen (14) days of the granting of the motion, an appearance and answer on behalf of the defendant(s) and pay the filing. The Small Claim action will then be transferred to the Civil docket and will proceed as a Civil case from thereon. If the defendant fails to so file or pay, the order transferring the matter to the District Court Calendar shall be vacated and the matter rescheduled as a small claim.

[Amended effective September 1, 2022]

LCRLJ 26. - DISCOVERY

1. Evidence Deemed Admissible.

A. All provisions of Evidence Rule (ER) 904 are adopted.

B. Subject to the time lines established in ER 904, the written statement of any witness, including the written report of an expert witness (which includes statements of opinion which the witness would be allowed to express if testifying in person), is deemed admissible if it is made by affidavit or by declaration under penalty of perjury. Any other party may subpoena the author or maker of the written statement admissible under this subsection, at the party's expense, and examine the author or maker as if under cross examination.

[Adopted effective September 1, 1993; amended effective September 1, 2010; amended effective September 1, 2018.]

LCRLJ 38 - JURY DEMAND

1. Demand. When a trial by jury is authorized by the Constitution, statutes or decisions of the Supreme Court, any party may file a written demand for jury by filing the original written demand with the Clerk of the Court and by paying the nonrefundable jury fee. A copy of the written demand for jury trial shall be served upon all opposing parties. The written demand for jury trial shall be filed at or prior to the time the case is assigned for trial or in any event no later than 21 days following the issuance of the Notice of Trial Assignment by the Clerk of the Court in accordance with LCRLJ 40.

2. Waiver. Failure of a party to strictly comply with the requirements of this rule and LCRLJ 40 shall be deemed a waiver of the right to a jury trial, unless the Court finds good cause and absence of neglect in granting a party an extension of time to file and serve a demand for jury trial. A demand for jury trial once made may not be withdrawn without the consent of the parties.

[Adopted effective September 1, 2016.]

## LCRLJ 40 - CIVIL TRIAL SETTINGS

1. Case Information Sheet. Each new civil case filing involving a complaint for relief shall be accompanied by a Case Information Sheet prepared and submitted by the plaintiff. The form and minimum requirements of the Case Information Sheet shall be established by the Clerk's Office of the Pierce County District Court. The Case Information Sheet shall identify whether the filed complaint is for a collection of debt (hereinafter referred to as "collection case") or whether the filed complaint is for other civil relief (hereinafter referred to as "non-collection case").

2. Request by Party. At any time when the pleadings are at issue in a collection case or a non-collection case, a party may file a Request or Note for Civil Trial Setting with the Clerk to issue a Notice of Trial Assignment. The provisions of LCRLJ 38 and LCRLJ 40 shall govern the setting of any bench or jury trial and the assignment of the cause for trial.

### 3. Administrative Status Review.

A. Non-collection case. On or before the ninetieth (90th) day following the filing of a complaint in a non-collection case, the Clerk shall conduct a status review of any non-collection case not yet set for trial to determine (1) whether proof of service is on file for all party defendants; and (2) whether an answer or reply has been filed by all named parties required to file an answer or reply to a complaint, cross-complaint, counterclaim or third party complaint. If all necessary proof of service and answers and replies are on file, then the Clerk shall, without prior notice to the parties, issue a written Notice of Trial Assignment to the parties of record as provided in paragraph 4 below.

B. Collection Case. At or after one hundred eighty (180) days following the filing of a complaint in a collection case, the Clerk shall conduct a status review of any collection case not yet set for trial to determine (1) whether proof of service is on file for all party defendants; and (2) whether an answer or reply has been filed by all named parties required to file an answer or reply to a complaint, cross-complaint, counterclaim or third-party complaint. If all necessary proof of service and answers and replies are on file, then the Clerk shall, without prior notice to the parties, issue a written Assignment of Civil Bench Trial Date to the parties of record.



4. Trial Assignment. If a written jury demand has been filed at the time of the issuance of a Notice of Trial Assignment (or the parties file a timely written demand for jury in accordance with LCRLJ 38), the parties will be notified in writing of the assigned Jury Trial date, the assigned Trial Department and the date of the mandatory Pre-trial Conference before the assigned Trial Department. If a written demand for jury trial has not been filed at the time of the issuance of the Notice of Trial Assignment, the parties shall be advised in writing of the deadline for filing any jury demand in accordance with LCRLJ 38. Failure to timely file a written jury demand in accordance with this rule and LCRLJ 38, shall result in the issuance of a Notice of Trial Assignment notifying the parties of the Bench trial date and the assigned Trial Department. Unless otherwise ordered by the Court, any motion or application for relief shall be heard before the assigned Trial Department.

5. Objection/Continuance. Any objection to the scheduled trial date shall be made within thirty (30) days of the notification of the setting of the jury or bench trial date. A continuance of the trial date may be granted by the Court upon motion for good cause. Any continuance of the trial date must be approved by the Court.

6. Dismissal Without Prejudice. If all necessary proofs of service, answers or replies are not on file, the Clerk shall notify the respective parties in writing that all pending claims for relief shall be scheduled for dismissal on the Clerk's motion on a date no sooner than twelve (12) months from the date of filing of the most recent pleading pursuant to CRLJ 41(b)(2). If all necessary proofs of service, answers or replies are later filed within said twelve (12) month period, then the Clerk shall schedule the non-collection case for trial as provided in this rule.

7. Pre-trial Conference. At the scheduled Pre-trial Conference, all parties must appear in person or through counsel. If a party fails to appear at the Pre-trial Conference, the pleadings of the non-appearing party may be stricken, unless otherwise ordered by the Court. If a party fails to appear, the Court may further grant a judgment of default or dismissal without prejudice against the non-appearing party or may assess reasonable terms against the non-appearing party at the discretion of the Court. At the Pre-trial Conference, the Court will schedule the Settlement Conference and may, among other things, consider the scheduling of any motions, discovery deadlines or other cut-

off dates. The above Pre-trial Conference procedure shall not preclude the entry of any default judgment or judgment on the pleadings or any other orders not inconsistent with these rules or the Civil Rules for Courts of Limited Jurisdiction, prior to the date of the scheduled Pre-trial Conference.

8. Settlement Conference. Whenever a jury trial has been set before a Trial Department as provided in these rules (and has otherwise not been dismissed or resolved), the Court shall set a mandatory Settlement Conference within approximately thirty (30) days prior to the scheduled jury trial. All attorneys and all parties or persons representing them with authority to consent to settlement shall be present for the Settlement Conference.

The Court may in its discretion assess reasonable terms against any party or persons who fail to appear. Nothing in this Rule shall preclude the parties from conducting a private mediation at their own expense to resolve the issues in any case before the District Court.

9. NOTIFICATION REQUIREMENTS.

A. Confirmation of Civil Jury or Bench Trial.

Whenever a civil jury or bench trial has been demanded and scheduled in a non-collection case, the requesting party shall notify the Assigned Trial Department at least two court days prior to the date the trial is set and confirm that the trial is to remain scheduled. Failure to do so will result in the trial being stricken and may be deemed as a waiver of the jury trial demand. Failure to confirm a Civil Bench Trial in a non-collection case will result in the trial being struck from the Court's calendar, unless otherwise ordered by the Court.

B. Cancellation of Civil Jury or Bench Trial.

Whenever a non-collection case set for jury or bench trial is settled or will not be tried for any reason, the Court shall be notified immediately. If notice of cancellation is not received at least two court days prior to the time of the scheduled trial date, the Court shall impose terms and/or costs, unless otherwise ordered by the Court.

Adopted effective August 15, 2000; amended effective September 1, 2016.

LCRLJ 41 - NON-APPEARANCE OF A PARTY OR PARTIES ON TRIAL DATE

If the plaintiff does not appear within sixty (60) 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.

If the defendant does not appear within sixty (60) minutes of the time set for trial, 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.

In the event neither party appears at the time set for trial, or within sixty (60) minutes thereafter, the matter shall be dismissed without prejudice, (including counterclaims) on or after the fourteenth (14) day following the scheduled trial date, unless the court has received prior notification of agreed or confessed judgment, settlement, dismissal, or continuance. Notification may initially be oral and/or by telephone but will not be deemed completed until followed with a clear written statement by the person making such notification. Such written statement shall be filed with the court by 4:30 p.m. on the fifth (5) day following the oral telephonic notification.

LCRLJ 54A - GARNISHMENT JUDGMENT ON ANSWER

Judgments on answer of garnishee defendant seeking the addition of costs to the previous judgment balance shall include a judgment balance itemization including key elements. The key elements that are required in the judgment on answer are:

1. Principal amount owed at time garnishment filed;
2. Garnishment filing fee;
3. Attorney's fees;
4. Answer fee;
5. Service fees; and

6. Postage/Certified mail costs.

Proof (in receipt form or affidavit form) must be attached regarding service fees and postage/certified mail costs.

LCRLJ 54B - CONDITION PRECEDENT FOR ATTORNEY'S FEES ON DISHONORED CHECKS

Collection and handling charges and reasonable attorney's fees on actions brought to collect dishonored checks shall not be allowed unless proof of the following is provided:

a) The statutory form of notice of dishonor has been sent as required by RCW Chapter 62.A-3 and a copy is filed with the court.

b) The original check or a copy of the original check and statement as to the current disposition of the original check is filed with the court.

LCRLJ 55 - DEFAULT JUDGMENTS

1. All necessary papers required for entry of a default judgment shall be filed at the same time as the motion for default judgment, unless extended by court order to correct a clerical error or omission or for furnishing of any proof required by the court.

2. No default judgment shall be granted except upon proof satisfactory to the court. The court shall require at least the following to be on file with the motion for default judgment, unless otherwise excused by the court for good cause.

a. On assigned causes of action, the assignment instrument;

b. On causes of action based on a negotiable instrument, the original negotiable instrument;

c. On causes of action based on a retail sales contract, chattel mortgage, or conditional sales contract, the original contract (or a copy if the original has been filed with a government agency). Where applicable, an automobile title or bill of sale must be filed;

d. On causes of action based on open account where the complaint is not specific, a written statement of account setting forth all charges and credits and the dates thereof, the nature of merchandise or services furnished, and a statement of any interest or surcharges which are included;

e. On causes of action for rent based on an oral lease, a statement of account similar to that required in

actions on open account. If any claim is made for damages or repairs to premises, such claim must be itemized separately;

f. On causes of action for rent based on a written lease, a copy of the lease and a statement of account as in subsection (2)(d) of this Rule;

g. On causes of action based on all other contracts, oral testimony to prove performance may be required, together with filing of a copy of the contract, if written; and filing or proving the items of account and any credits;

h. On causes of action for tort, the proof required shall be the same as required above for proving contract balances except that the following additional proof of the amount of damage shall be required;

i. Property damage may be proved by repair bills or estimates;

j. Loss of use claims, loss of wages, and pain and suffering shall be proved by oral testimony;

k. Hospital and doctor bills may be proved by written bills, whether paid or not.

3. A sworn affidavit may be substituted in lieu of oral testimony.

4. No judgment for interest shall be allowed unless there is proof on file of the factors necessary for computation of interest including applicable dates, rate of interest, amounts subject to interest, and a computation of the total interest claimed due.

5. Plaintiff shall file a stamped, addressed envelope (with last known address of the defendant) at the time the motion for default judgment is made. The clerk of court shall mail a copy of the judgment to the defendant.

**PIERCE COUNTY DISTRICT COURT**

**LOCAL RULES**

**SMALL CLAIMS RULES (LSCRLJ)**

LSCRLJ 1 - FILING FORM OF PLEADINGS

Small Claim cases shall be filed on a form approved by the court (see LARLJ 2)

[Effective September 1, 2022]

LSCRLJ 2 - PRETRIAL CONFERENCE

Upon the filing of a Small Claim case a Pre-Trial Conference hearing shall be set. The notice of Pre-Trial Conference must be served with the Notice of Small Claim. Both parties must attend the Pre-Trial Conference. Parties must bring their evidence to the hearing. No witnesses will be allowed. At the Pre-Trial Conference, dates for the mandatory Mediation and Trial will be set.

[Effective September 1, 2022]

LSCRLJ 3 - MEDIATION

Mediation is mandatory before trial is allowed. Both parties must attend the Mediation, unless excused by the court. Parties must bring their evidence to the Mediation. No witnesses will be allowed. The purpose of Mediation is to settle the case if possible; if no settlement is made at Mediation, the case will proceed to trial.

[Effective September 1, 2022]

LSCRLJ 4 - CONTINUANCE OF PRE-TRIAL CONFERENCE, MEDIATION, OR TRIAL

The party seeking the continuance shall make a written motion for continuance which must be served on the opposing party and filed with the court at least five days prior to the hearing date. The Motion to Continue must include information about whether the opposing party has agreed to the request to continue. The Judicial Officer will consider if good cause exists to continue the matter and will notify the parties.

[Adopted Effective Date September 1, 2022]

LSCRLJ 5 - FAILURE TO APPEAR

A failure to appear by the Plaintiff for Pre-Trial Conferences, Mediation, or Trial will result in a dismissal of the claim. A failure to appear by the Defendant will result in dismissal of their claim or counter claim and may result in a default judgement for the Plaintiff.

[Effective September 1, 2022]

LSCRLJ 6 - EVIDENCE

1. Both parties shall file evidence with the court two days prior to the Pre-Trial Conference. It is the party's responsibility to ensure that exhibits are properly filed. It is the party's responsibility to remove any sensitive or confidential information.
2. Evidence shall be exchanged by the parties at the Pre-Trial Conference. If the case is proceeding to Trial, any additional evidence shall be filed with the court and exchanged between the parties at least 5 days prior to Trial.
3. Document filing is limited to 100 pages per case and all documents must be filed on 8½" x 11" paper. DO NOT include binders, page protectors, paper clips, staples, or tabs.

[Effective September 1, 2022]

LSCRLJ 7 - REMOVING TO CIVIL STATUS

LCRLJ 14 applies to Removal of Small Claim to Civil Status

[Effective September 1, 2022]

LSCRLJ 8 - REMOTE HEARINGS

At the discretion of the Court, telephonic or virtual hearings in lieu of personal appearance may be held.

[Effective September 1, 2022]

**PIERCE COUNTY DISTRICT COURT  
LOCAL RULES**

**CRIMINAL TRAFFIC/CRIMINAL NON-TRAFFIC RULES (LCrRLJ)**

LCrRLJ 1 - FORMS OF PLEADINGS-STYLE AND FORM-FACILITATING PROOF OF SERVICE AND FILING OF PAPERS/CLERKS ACTION REQUIRED

SEE LARLJ 2

LCrRLJ 3.2 -RELEASE OF ACCUSED - DOMESTIC VIOLENCE

(0) Bail in a Criminal Offense - Mandatory Appearance

(2) Any person arrested by a Law Enforcement Officer on Probable cause (without an arrest warrant) for an offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington shall be held in jail pending the Defendant's first appearance in the absence of a judicial order.

[Adopted Effective Date September 1, 2022]

LCrRLJ 6.1 - CRIMINAL JURY TRIAL READINESS

In all criminal jury trials, a readiness hearing shall be scheduled during the week prior to the scheduled criminal jury trial. The defendant, defense attorney and prosecuting attorney must attend the readiness hearing unless prior to or at that hearing a "Declaration of Readiness for Jury Trial In Lieu of Readiness Hearing" is filed with the court.

The Readiness Hearing is scheduled to determine which matters set for trial, will in fact, go to trial. Dispositions may be presented at the readiness hearing or on the scheduled trial date. After the readiness hearing the following restrictions to the proceedings shall apply:

All Plea Negotiations shall be concluded at or before the readiness hearing. No amendments to the charges will be granted by the court, unless they have been agreed to by the parties prior to or at the readiness hearing.

Continuances on the scheduled trial date will only be granted for good cause. (See Note 1)



Note 1: It is the intention of the Court to not extend the time within which the case is to be tried. The court will vigorously enforce the speedy trial rule, bringing matters to trial as soon after the alleged offense date as is practicable.

The Time of Trial shall be extended at or after a case is declared "ready for trial" in case of extraordinary and unforeseeable circumstances only. (See Note 2)

Note 2: These will usually involve injury, illness or death. Vacations, training or other scheduled events shall not be the basis for an extension of the speedy trial time.

[Adopted effective September 1, 2001, amended effective September 1, 2020.]

#### LCrRLJ 6.3 - CRIMINAL JURY TRIAL

1. Voir Dire: The court will obtain from the members of the jury panel answers to a general list of questions touching on their qualifications to serve as jurors. The form of the questionnaire will be adopted and amended by the judges and maintained in the court policy manual to allow updating without requiring a change of local rules. These questions may be supplemented at the request of the Court or the parties.

#### LCrRLJ 6.15 - CRIMINAL JURY TRIAL

1. Jury Instructions: The court will maintain, in certain types of cases, a standard set of jury instructions which will be given by the court, unless supplemented or supplanted by jury instructions provided by the parties. When the court does not maintain a standard set of jury instructions or either party wishes to supplement or supplant the standard set, the party or parties shall provide copies of said jury instructions to the court not later than the start of the defendant's case, unless the requirement for the instruction(s) was not foreseeable. The parties' proposed instructions shall consist of one original set of jury instructions without citation to Washington Pattern Jury Instructions or case law and one set with citations. A copy of the set with citations shall be served upon opposing counsel at the same time jury instructions are filed with the court.

## LCrRLJ 8.2A - PROCEDURE FOR SETTING MOTIONS

### 1. Pretrial Motions and Post-trial Motions Filed During the Appeal Period:

All motions shall be in writing and set forth the relief sought. Motions, other than those regarding warrants, should be filed at the pretrial conference whenever possible or as soon as possible thereafter. Where issues arise after the pretrial conference or after disposition, the moving party shall file and serve a written request for docketing of the motion together with the motion and supporting documents stating the general basis for the motion.

### 2. Post-trial Motions After Appeal Period Has Expired:

A request for hearing of any motion after the appeal period has expired will require the defendant or defense attorney to file and serve a written motion and declaration stating the relief requested and the basis therefore and requesting the court to set a hearing on the motion. The court will grant or deny the hearing on the motion within seven (7) days of filing the motion and notify the parties within five (5) days of the decision.

## LCrRLJ 8.2B - MOTION FOR CONTINUANCE

All motions for continuance shall be in writing and supported by an affidavit substantially in the form of attachment A hereto. The moving party will set forth in the affidavit the following information:

1. Date of arraignment;
2. Date the trial is currently set;
3. Dates of prior continuances and which party requested the same;
4. Reason for this requested continuance, including the date the information upon which this motion is made came to the attention of the moving party;
5. If the request is based on the unavailability of witnesses, include the earliest date the witnesses will be available (whether before or after the current trial date set);
6. Any other facts known to the moving party bearing on questions of due diligence in moving for the continuance or which will assist the court in setting an appropriate date if the continuance is granted.

The non-moving party if in opposition to the motion for continuance, when given five (5) working days' notice of the motion, shall file an affidavit setting forth any prejudice their client will suffer if the continuance is granted. Failure to file such an affidavit shall be deemed a waiver of a claim of prejudice by the non-moving party.

In the District Court, Pierce County Washington  
 )  
 State of Washington ) Affidavit in Support  
 ) of Motion to Continue  
 Plaintiff )  
 -vs- ) CASE NO.(s)  
 )  
 )  
 Defendant. )

State of Washington )  
 ) ss.  
 County of Pierce )

The undersigned, being first duly sworn on oath deposes and says:

1. Defendant was arraigned \_\_\_\_\_
2. Trial date is currently set for \_\_\_\_\_
3. Prior continuances have been requested by \_\_\_\_\_
4. The reason for the prior request was \_\_\_\_\_
5. The basis for this motion is: \_\_\_\_\_
6. Date information basing this motion became available is \_\_\_\_\_
7. If the request is based on the unavailability of witnesses, what is the earliest date the witnesses will be available, whether before or after the current trial date set \_\_\_\_\_

8. Any other facts known to the moving party bearing on questions of due diligence in moving for the continuance or which will assist the court in setting an appropriate date if the continuance is granted. \_\_\_\_\_

Defendant\Defense Counsel\Prosecuting Attorney  
 Subscribed and sworn to before me this day of \_\_\_\_, 20\_\_.

Notary Public in and for the State of Washington residing at \_\_\_\_\_.

[Amended effective September 1, 2020.]

LCrRLJ 16 - MANDATORY APPEARANCE AND PLEADINGS BY ATTORNEYS

Pursuant to CrRLJ 3 & 4, an attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or traffic offense, if said appearance or plea is made in writing or made in open court UNLESS the defendant is charged with domestic violence, driving while under the influence or physical control.

A person charged with domestic violence, driving while under the influence or physical control shall be required to appear in person before a judicial officer on the earliest practicable day following arrest. The earliest practicable day is defined as:

For persons arrested not posting bail:	The next judicial day
For persons arrested posting bail:	According to schedule determined by the court
For persons not arrested:	Summoned within 15 days from filing of charge

Unless previously commenced by an appearance made in open Court, when a written appearance is authorized it shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the Court. A written appearance, waiving an arraignment, but without plea, shall be considered a plea of not guilty, made in writing, or in open Court, and obviates the need for further arraignment and waives any defects in the complaint other than failure to state a crime. Telephonic requests or notice by defendant or defense counsel shall not constitute an arraignment, appearance or plea, and shall not commence the time periods under CrRLJ 3.3.

**PIERCE COUNTY DISTRICT COURT  
LOCAL RULES**

**INFRACTION RULES (LIRLJ)**

LIRLJ 2.2 - FILING OF NOTICE

An infraction is issued on the date the infraction is signed by the citing officer or prosecuting authority. When a Notice of Infraction has been issued, the notice shall be filed with the Court within five days of issuance of the notice, excluding the day of issuance, Saturdays, Sundays and holidays.

When the Notice of Infraction is presented to the Court, the Court clerk shall stamp the citation with the current date and the infraction shall be deemed filed on that date and not the date the infraction is entered into the case management system.

In the absence of good cause shown, a Notice of Infraction not filed within the time limits of the section shall, upon motion, be dismissed with prejudice.

LIRLJ 3.5 - DECISIONS ON WRITTEN STATEMENTS

Mitigation and contested hearings based on written statements, given under penalty of perjury as provided for in IRLJ 2.6(c) are authorized. The procedures authorized by IRLJ 3.5 are adopted by this court. To be considered, the written statement(s) must be received by the court pursuant to written instructions provided to the defendant.  
[Adopted effective August 15, 2000.]