



# King County Superior Court Emergency Local Rule Amendments

## LCR 40.1 Ex Parte and Probate Department

his rule governs all matters presented to the Ex Parte and Probate Department and directs certain other matters elsewhere.

(a)...

**(b) Motions and Other Procedures.**

**(1) Cases Not Assigned.** Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing shall be presented to the Ex Parte and Probate Department. The following cases or motions are heard by the Ex Parte and Probate Department:

**(A) Adoption Proceedings...**

**(L) Unlawful Detainer Actions.** This subsection applies to unlawful detainer actions brought under chapter 59.18 RCW.

**(i) When Circumstances Do Not Seriously Affect the Health and Safety of Other Tenants.** Except in actions described in subparagraph (ii) below, orders to show cause, any agreed orders, and any orders that do not require notice, shall be presented without oral argument through the clerk's office to the Ex Parte and Probate Department. The moving party shall obtain the order to show cause first before filing the note for hearing. The initial hearings on order to show cause shall be heard the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Chief Civil Judge, who will issue a trial date with a case schedule and will assign the case to a judge. Once assigned to a judge, the moving party shall present a motion to show cause to the assigned judge as required by LCR 7(b)(9). The assigned trial judge shall manage the entirety of the matter, including all other motions, except as provided otherwise in these rules or by the court.

**(ii) When Circumstances Substantially Affect the Health and Safety of Other Tenants.** In actions alleging that the tenant is in substantial noncompliance with RCW 59.18.130 or RCW 59.18.140 in a manner that either seriously affects the health and safety of other tenants, or greatly increases the hazards of fire or accidents, as outlined in RCW 59.18.180, and the allegations are supported by prima facie evidence, a motion to assign the case to a judge shall be submitted without oral argument to the Chief Civil Judge. If the Chief Civil Judge grants the motion, the Chief Civil Judge will assign the case, with a trial date, to a judge. Once assigned to a judge, the moving party shall present a motion to show cause to the assigned judge as required by LCR 7(b)(9). The assigned trial judge shall manage the entirety of the matter, including all other motions, except as provided otherwise in these rules or by the court.

**(iii) Calendared Show Cause Hearings.** A plaintiff in an unlawful detainer proceeding may reserve only one show cause hearing on the Ex Parte and Probate Department calendar at any given time. If an unlawful detainer matter settles, or if for any other reason a plaintiff in an unlawful detainer proceeding decides not to proceed with a scheduled show cause hearing, the plaintiff shall file promptly a notice striking the pending show cause hearing. This notice to strike the pending show cause hearing shall be filed no later than one judicial day after settlement or any other decision not to proceed. If a plaintiff in an unlawful detainer proceeding has already obtained a date for a hearing on an order to show cause and seeks to reset the hearing to a new date on the Ex Parte and Probate Department calendar, the plaintiff shall file a notice striking the original hearing before submitting a new motion to reset the hearing to a new date. Failure to comply with this rule may result in the sua sponte imposition of sanctions on the offending party, attorney for that party, or both.

**(M) Writs...**