

Superior Court of Washington, County of _____

In re:

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Motion to Restrict Abusive Litigation
(MTRAL)

Motion to Restrict Abusive Litigation

Use **this form** to ask for an order restricting abusive litigation at any of these times:

- To dismiss a new case,
- During an ongoing case, or
- Within five years after an Order for Protection is issued (even if it has expired).

To the person filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side.

To both parties:

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (*if required by your county's Local Court Rules*); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules deadline if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

1. My name is _____.
2. I ask the court to stop the other party (*name*): _____
from the abusive use of litigation.

3. **Relationship**

The other party and I are intimate partners because we are (*check all that apply*):

- current or former spouses or domestic partners.
- parents of a child-in-common.
- age 16 or older and are/were in a dating relationship, and are currently residing together or resided together in the past.
- age 16 or older and are/were in a dating relationship, but have *never* resided together.

4. **A court has found domestic violence**

(*Check all that apply and attach a copy of the order/s, if you have them*)

- Domestic Violence Protection Order** – There is or was a DVPO protecting me from the other party. The order was signed on (*date*) _____
in (*county, state*) _____
in case number _____.
- Restraining Order** – There is or was a restraining order in a family law case protecting me from the other party. The court made a specific finding that the order was necessary because of domestic violence. The order was signed on (*date*) _____ in (*county, state*) _____
in case number _____.
- Parenting Plan** – Our parenting plan has restrictions because the other parent has a history of acts of domestic violence, or an assault, or sexual assault as defined in RCW 26.50.010. The order was signed on (*date*) _____
in (*county, state*) _____
in case number _____.

5. **The other party's court action/s are abusive**

The other party is starting, advancing, or continuing court actions (litigation) primarily for the purpose of harassing, intimidating, or maintaining contact with me.

This is true because (*check all that apply*):

- No evidence** – There is no evidence to support the other party's allegations and other factual claims.
- Already decided** – An issue or issues that are the basis of the other party's court action have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the other party.

- [] **Not warranted by law** – The other party's claims, allegations, and other legal contentions made in the case are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of a new law.

6. **Proof of abusive litigation**

(Check all that apply)

- [] **Pre-filing restriction** – Another court has put pre-filing restrictions on the other party because the other party engaged in abusive litigation or similar conduct.

(Attach a copy if you have one, or complete below.)

The restriction is in an order signed by the court on *(date)* _____
 in *(county, state)* _____
 in case number _____.

- [] **Previous sanction** – The other party has been sanctioned before. The sanction was:

- Within the last ten years,
- Under Washington Superior Court Civil Rule 11 or a similar rule or law from another jurisdiction, and
- For filing something involving me that the court found to be frivolous, vexatious, intransigent, or brought in bad faith.

(Attach a copy if you have one, or complete below.)

The sanction is in an order signed by the court on *(date)* _____
 in *(county, state)* _____
 in case number _____.

- [] **Repeated action** – We have been to court about the same or substantially similar issues in the past five years. *(Describe the similar court actions in the table below. Add lines or attach pages as needed.)*

Type of court action or issue <i>(Examples: Motions for contempt, Petitions to modify child support or change parenting plans, motions to compel)</i>	County, State and Case Number <i>(if not in this case number)</i>	Other Parties involved <i>(if anyone other than just you and the other party)</i>	Date of last filing or court decision	What did the court do? <i>(Examples: dismissed on the evidence, request denied, sanctions imposed, no decision yet)</i>

Type of court action or issue <i>(Examples: Motions for contempt, Petitions to modify child support or change parenting plans, motions to compel)</i>	County, State and Case Number <i>(if not in this case number)</i>	Other Parties involved <i>(if anyone other than just you and the other party)</i>	Date of last filing or court decision	What did the court do? <i>(Examples: dismissed on the evidence, request denied, sanctions imposed, no decision yet)</i>

[] Other details *(if any)*: _____

[] Other proof – *(explain)* _____

7. Request

I ask the court to:

- Find the following motions or actions to be abusive litigation
(Specify motions or actions including case number, if not this case):

- Dismiss, deny, or strike all the abusive motions or actions with prejudice;
- Enter an order restricting abusive litigation;
- Impose all costs of any abusive civil actions on the other party;
- Award me all my lawyer's fees and costs from responding to the abusive litigation including making this request; and
- Impose pre-filing restrictions upon the other party for at least 48 months but no longer than 72 months.
- Other *(specify)* _____.

8. Other (if any):

Person asking for this order fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (including any attachments) are true. [] I have attached (#): _____ pages.

Signed at (city and state): _____ Date: _____

▶ _____
Person asking for this order signs here Print name here

The following is my contact information:

Important! If you do not want your street address, personal e-mail, and personal phone number on this public form, list it on form FL All Family 001 Confidential Information form. The parties, court staff, and court volunteers can see this Confidential Information form. GR 22(b)(6).

Email: _____ Phone (Optional): _____

I agree to accept legal papers for this case at (check one):

[] my lawyer’s address, listed below.

[] the following address (this does **not** have to be your home address):

street address or PO box city state zip

Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.

Lawyer (if any) fills out below:

▶ _____
Lawyer signs here Print name and WSBA No. Date

Lawyer’s street address or PO box city state zip

Email (if applicable): _____

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a Sealed cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.