

2014 Proposed Local Rules Changes for Comment:

PCLR 3 COMMENCEMENT OF ACTION/CASE SCHEDULE

(a) **Scope.** This rule shall apply to all civil cases including family law cases once an [Order Setting Case Schedule](#) as set forth in Appendix, [Form A](#) has been issued pursuant to [PCLR 40\(d\)](#), except for:

(1) Cases in mandatory arbitration after they have been transferred to arbitration pursuant to [PCLMAR 2.1](#). A written request for a trial de novo shall cause a new Order Setting Case Schedule to be issued by the assigned judicial department when the request for trial de novo is filed pursuant to [PCLMAR 7.1](#);

(2) Change of name;

(3) Adoption;

(4) Domestic violence ([Chapter 26.50 RCW](#));

(5) Harassment ([Chapter 10.14 RCW](#));

(6) UIFSA actions ([Chapter 26.21A](#));

(7) Review of action taken by administrative agency, except Land Use Petition Actions (LUPA) filed pursuant to [Ch. 36.70C RCW](#), which shall be assigned a Case Schedule pursuant to (g) below;

(8) Appeals from courts of limited jurisdiction, except de novo appeals from courts of limited jurisdiction which shall be assigned an Order Setting Case Schedule by the assigned judicial department when filed;

(9) Foreign judgments;

(10) Abstract or transcript of judgment;

(11) Civil commitment;

(12) Proceedings under [Chapter 10.77 RCW](#) (Criminally Insane);

(13) Proceedings under [Chapter 70.96A RCW](#);

(14) The following case types for which the Clerk shall issue, at the time of filing or when an order appointing personal representative is filed, an Order Assigning Case to Judicial Department and Setting Hearing Date as indicated:

(A) Case types to be reviewed 4 months after filing:

Absentee

Administrative Law Review

Confidential name change

Collection

Commercial

Compel/Confirm Binding Arbitration

Confidential Intermediary

Deposit of Surplus Funds

DOL Revocation – Appeal

Foreclosure

Guardianship, Limited Guardianship, Special Needs Trust and Trust, except for annual periodic reviews of guardianships and trusts which are heard by the assigned Judicial Department on its Friday motion docket, and contested guardianships which shall be assigned a Case Schedule when a trial date is requested;

Injunction

Interpleader

Lower Court Appeal – Civil

Lower Court Appeal – Infraction
Minor Settlement with or without guardianship
Miscellaneous ~~type 2 (civil)~~
Petition for Writ
Proceedings for isolation and quarantine
Seizure of Property from Commission of Crime
Seizure of Property Resulting from Crime
Subpoenas
Unlawful Detainer
Writ of Habeas Corpus
Writ of Mandamus
Writ of Review

(B) Case types to be reviewed 6 months after filing:

Criminal RALJ Appeal

(C) Case types to be reviewed 12 months after filing:

Adoption

Child Support or Maintenance Modifications

Estate/probate if court supervision is required (e.g. bond required, either a guardian or guardian ad litem is appointed to represent a minor or incompetent heir, or estate insolvent) or is otherwise governed by [RCW 11.76.010](#), except any will contest or litigation matter arising in a probate case shall be assigned an Order Setting Case Schedule when the Petition to Contest the Will is filed or the estate is sued.

Paternity Parent Determination

Trust and Estate Dispute Resolution Act (TEDRA)

(D) Case types to be reviewed 60 months after filing:

Estate/probate if full nonintervention powers are granted.

The purpose of the hearing in these cases shall be to assess the progress of the case and assure that the matter is being prosecuted diligently to a conclusion. If necessary, a trial date may be assigned. Failure to attend the hearing may result, when appropriate, in dismissal of the case without prejudice or closure of the matter without further notice. In paternity matters, it may result in a resolution of the case without dismissal.

PCLR 7 MOTIONS: JUDGES AND COMMISSIONERS

(a) Judges' Motions and Trial Assignments

(1) When Heard. All motions, except motions during trial or those motions heard by the Commissioners as set forth below shall be heard on the assigned judicial department's motion calendar. All discovery motions shall be heard before the assigned judicial department. No contested summary judgment motions, motions to dismiss, or other such motions which might effectively terminate a case shall be heard, except by the assigned judicial department, unless otherwise directed by the Presiding Judge or by the assigned judicial department. Motions are heard on Friday mornings at 9:00 a.m., unless specially set by the assigned judicial department. In the event a Friday is a non-judicial day, motions shall be heard on the judicial day immediately preceding the Friday.

(2) Recess Schedule. Motions and assignments regularly scheduled for a time when a judicial department is at recess shall be heard in the manner and in accordance with the schedule determined by the Judges.

(3) Scheduling Motions and Trial Assignments.

(A) Motions. Motions shall be scheduled for hearing by filing a Note for Motion Docket, in a form approved by the court, and containing all information required by such form. The Note for Motion Docket shall be filed with the motion and supporting documents and served upon the opposing party at the same time. The Note for Motion Docket, motion and supporting documents shall be filed with the Clerk, and served on the opposing party no later than the close of business on the sixth court day before the day set for hearing. For example, if the motion is scheduled for a Friday, it shall be filed by the close of business on the Thursday of the week before the hearing date unless there is an intervening court holiday. This rule shall not relieve the moving party from any greater notice or filing requirements established by law or court rule. See PCLR 7(c)(1)(2) & (3) regarding Motions for Reconsideration to be heard before a judge. See also PCLSPR 98.20 regarding periodic guardianship hearings.

(B) Trial Assignments. If the attorneys or any self-represented party fails to appear on the date set for assignment of a trial date, the case shall be dismissed without prejudice unless the assignment of a trial date has been previously obtained or the case has been fully resolved with the entry of all final documents.

(4) Failure to File or Serve - Sanctions. If the motion, supporting documents and Note for Motion Docket are not all filed with the clerk, the court may strike the motion. No motion shall be heard unless proof of service upon the opposing party is filed or there is an admission of such service by the opposing party. The court may also, in its discretion, impose terms upon the offending party.

(5) Opposing Papers. Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than noon, two court days before the date the motion is scheduled for hearing.

(6) Reply. Any papers in strict reply shall be served no later than noon, one court day before the date the motion is scheduled for hearing.

(7) Working Copies. The assigned judicial department shall be furnished with a working copy of all motion papers. The working copies shall be delivered either directly to the judicial department or to the Court Administrator's office. Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided to the assigned judicial department. All working copies are to be delivered no later than the date and time they are required to be served on opposing parties. The working copies of papers in support or opposition shall be marked on the upper right corner of the first page with the date of hearing and the name of the Judge. A fax or email transmittal of working copies shall not be acceptable delivery.

(7)(8) Page Limits. The initial motion and opposing memorandum shall not exceed 12 pages without authorization of the court; reply memoranda shall not exceed five pages without the authority of the court. Provided, however, for summary judgments the parties moving and opposing memoranda shall not exceed 24 pages without authorization of the court; reply memoranda shall not exceed five pages without authority of the court.

(8)(9) Confirmation of Motions. All motions shall be confirmed by the moving party during the week of the hearing, but no later than 12:00 noon two court days prior to the hearing. Attorneys and any self-represented party shall confirm motions by contacting the judicial assistant of the assigned judicial department or electronically, through the internet by those with LINX accounts and PIN (Personal Identification Numbers), in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing. The court may strike motions that are not timely confirmed.

~~(9)~~**(10) Procedures for Hearing.** The cases on the motion docket for each motion day shall be called and oral argument may be presented. Motions may be continued by the court, at the court's discretion, for hearing at other specified times. The trial court may, in its discretion or for good cause shown, waive oral argument for civil motions. Motions requiring more than ten (10) minutes for argument may be placed at the end of the calendar.

~~(10)~~**(11) Motions for Summary Judgment**

(A) Confirmation of Motions. In the event a motion for summary judgment pursuant to [CR 56](#) is to be argued, the moving party shall notify the judicial department to which such motion is assigned during the week of the hearing, but no later than 12:00 noon, two (2) court days prior to the hearing; otherwise the motion shall be stricken. No hearing upon a motion for summary judgment shall be continued except upon the explicit order of the assigned Judge. Any summary judgment motion that is continued shall be reconfirmed as set forth above.

(B) Testimony. If testimony transcribed at any pretrial deposition is used in support of or in opposition to a motion for summary judgment, such testimony shall be presented by affidavit containing excerpts of the testimony relied upon by the party using such testimony, with reference to the line and the page of source.

~~(B)~~**(C) Page Limits.** [See PCLR 7\(a\)\(8\) regarding Summary Judgment page limits.](#)

~~(11)~~**(12) Motions for Revision of a Commissioner's Order or Judgment (this rule does not apply to CR 54(b) revision motions).** [At the time a motion for revision is filed, the moving party shall provide the reviewing court copies of all documents submitted by all parties that were considered by the court commissioner in making the decision sought to be revised.](#)

(A) Timing. Within 10 days of the entry of a written order or judgment by a Court Commissioner, either party may file a motion for revision. Such motion shall be scheduled for argument on the assigned judicial department's next available motion date but no sooner than six working days from the Commissioner's written order or judgment sought to be revised, unless upon an order shortening time, and no later than 30 days except for good cause shown. Failure to schedule the motion within the time prescribed shall be deemed jurisdictional.

(B) Validity of Commissioner's Orders. All orders granted by a Court Commissioner shall remain valid and in effect pending the outcome of the motion for revision, unless stayed pending the outcome of a motion for revision by the Court Commissioner granting the order, the Presiding Judge or the Judge to whom the motion for revision has been assigned.

(C) Content of Motion. All motions and cross-motions shall state with specificity any portion of the Commissioner's order or judgment sought to be revised, identifying those portions by paragraph or page and line numbers. Any portion not so specified shall be binding as if no revision motion has been made.

(D) Costs and Fees. The judicial department has the right to award reasonable costs or attorneys fees where allowed on all motions for revision without the necessity of a written motion.

(E) Transcript Required. When seeking revision of a ruling of a Court Commissioner which was based upon testimony, such testimony shall be transcribed in accordance with [RAP 9.2\(e\) and \(f\)](#).

(13) Juvenile Court Orders and Judgments. Revision of orders and judgments made by a Court Commissioner sitting in the Juvenile Court Division shall be heard by a Judge sitting in the Juvenile Court Division.

(b) Commissioners' Motions

(1) Civil Divisions A, B, C and Ex Parte. Court Commissioners hear and decide all matters brought before these divisions as set forth below. There are four civil Court Commissioners in Divisions A, B, C and Ex Parte.

(A) Family Court. Court Commissioners hear and decide matters arising in Family Court as set forth in [PCLSPR 94.04\(c\)](#). All cases involving children shall be assigned to a Commissioner at the time of the first motion and all later motions shall be heard, if possible, by that assigned Commissioner while on Family Court rotation, unless exclusive jurisdiction is retained by a specific judicial officer.

(B) Subject Matter. The function of these Civil Divisions is to hear applications for show cause orders, motions for temporary orders, petitions to modify child support, initial determination of adequate cause on Petitions to Modify Parenting Plans and Nonparental Custody Petitions, initial relocation hearings, probates, trust and guardianship matters (except for annual periodic reviews and initial hearings under TEDRA if live testimony is to be presented or the hearing will likely last longer than twenty minutes, which are heard by the Superior Court Department assigned on its Friday motion docket), minor settlements, unlawful detainer actions, applications for appointment of a receiver, injunctive relief and restraining orders, defaults eligible for presentation in the Ex Parte Department wherein no notice is required, supplemental proceedings, paternity actions, contested show cause proceedings, domestic violence, vulnerable adult protection and sexual assault protection hearings, uncontested/default dissolutions, committed intimate relationships (meretricious relationships), domestic partnerships, and uncontested/default self-represented party dissolutions, and ex parte matters. Court Commissioners do not hear discovery motions.

(C) Schedule. The [Schedule of Commissioners' Calendars](#) for each division is contained in Appendix, [Form Q](#) and at the Pierce County Superior Court website: www.co.pierce.wa.us/superiorcourt and by clicking on "Civil & Family Law". The Schedule of the Commissioners' Calendars may be changed without formal republication of these rules or appendices. Parties and counsel are advised to verify calendar schedules before noting matters for hearing and by viewing the Pierce County Superior Court website for any revisions to the Commissioners' Calendars. Incorrectly scheduled matters shall be stricken.

(D) How Motions Initiated. Attorneys shall electronically file a Note for Commissioners Calendar by using the electronic filing and scheduling process provided by LINX via the public website (<https://linxonline.co.pierce.wa.us/linxweb/Main.cfm>) or from a public kiosk in the Clerk's Office for all the Commissioner's dockets held at the County-City Building, 930 Tacoma Avenue South, except for the self represented dissolution docket, domestic violence, vulnerable adult protection orders and sexual assault protection orders. See also [PCLSPR 94.04](#) regarding family law motions, [PCLSPR 98.04](#) regarding Estates and Probates, [PCLSPR 98.16W](#) regarding Settlements of Minors and Incapacitated Persons, [PCLSPR 98.18](#) regarding Court Created Trusts and [PCLSPR 98.20](#) regarding Guardianships for specific procedures about these types of motions on the Commissioners' dockets. Self represented parties may contact the Clerk's Office for a LINX e-filing account or use the Clerk's Office kiosk to file and schedule a Note for Commissioners Calendar. **Waiver of Requirement to E-file.** See [PCLGR 30\(b\)\(5\)\(C\)](#).

(i) Docketing for Morning Show Cause Calendars. Matters heard on the show cause calendar at 9:30 a.m. shall be docketed by electronically filing and scheduling in accordance with [PCLR 7\(b\)\(1\)\(D\)](#) a Note for Commissioner's Calendar at least fourteen (14) calendar days before the hearing, simultaneously with a Motion and/or Notice of Hearing and any supporting pleadings, unless this is a renote of a motion or notice of hearing previously filed in which event only the Note for Commissioner's Calendar shall be e-filed. The morning show cause cases heard shall be limited in number. Case caps shall be calculated in LINX based on the number of cases rather than the Note for Commissioner's Calendar. Leave may be granted by a duly appointed Commissioner, not a Commissioner Pro Tem, to exceed the number of cases heard on any given day in that Commissioner's Division.

(ii) Counter Motions For Morning Show Cause Calendars. In the event there is an existing motion and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by electronically filing and scheduling in accordance with [PCLR](#)

[7\(b\)\(1\)\(D\)](#) a Note for Commissioner's Calendar, as long as the counter motion and all supporting pleadings are filed and served at least fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause for the counter motion shall be signed by the Ex Parte Department.

(E) Working Copies. For matters docketed on the morning show cause calendars in Commissioner Divisions A, B, and C whether by Note for Commissioner's Calendar or by the Order Setting Case Schedule, and for probate, guardianship and minor settlement cases on the Commissioner Division A afternoon calendar, the Commissioners shall be furnished with working copies of all motions, or petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents. Working copies for the morning show cause calendars are subject to page limits pursuant to [PCLSPR 94.04\(c\)\(4\)](#).

Working copies are encouraged but not mandatory for all other dockets conducted in Civil Divisions A, B and C and at the discretion of the court, cases may be continued to require their submission.

The working copies shall be delivered directly to Commissioner's Services Department or by using the Clerk's electronic working copy delivery process as defined in [PCLGR 30\(b\)\(5\)\(C\)](#) "Working Copies" shall be marked on the upper right corner of the first page with the date of hearing, the appropriate docket and who is delivering the copies (moving or opposing party). Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided. All working copies shall be delivered no later than 12:00 noon two (2) court days prior to the hearing, provided that this deadline shall not apply to responsive pleadings in unlawful detainer matters. A copy of the Note for Commissioner's Calendar shall be attached to the working copies. A fax or email transmittal of working copies shall not be acceptable delivery.

(F) Procedures for Hearing/Proposed Orders. Attorneys and self-represented parties shall have proposed orders prepared for presentation to the court at the time of the hearing in family law show cause matters. For probate/trust, guardianship and minor settlement cases, proposed orders shall be included with working copies.

(2) Juvenile Division Calendars. Court Commissioners hear and decide matters arising under the juvenile laws and other matters at the request of the Presiding Juvenile Court Judge, including finalization of adoptions.

(3) Civil Mental Health Division. Court Commissioners hear matters arising in this division as set forth in [PCLR 0.2\(c\)\(4\)](#), except where a trial by jury is requested. Jury trials are assigned to one of the judicial departments by the Court Administrator.

(c) Motions held before Judges or Commissioners

(1) Motions for Reconsideration. A Motion for Reconsideration shall be heard by the Judge or Commissioner who initially ruled on the motion or to the Presiding Judge or his/her designee upon a showing of good cause. Temporary assignment of the Judge or Commissioner to a location other than the courthouse shall not be considered good cause.

(2) Time for and Contents of Motions for Reconsideration. A Motion for Reconsideration shall be noted and filed not later than 10 days after entry of the judgment, decree or order. The motion shall be noted on the judge's civil motion docket that heard the original motion. The motion will be noted not sooner than 30 but not later than 40 days after the entry of the judgment, decree or order, unless the court directs otherwise. A proposed order shall be delivered to the judge along with working copies in accordance with PCLR(a)(7).

(1)(3) Hearings on Motions for Reconsideration before a Judge (this rule does not apply to Motions for Reconsideration to be heard before the Commissioners). Motions for Reconsideration before a Judge shall be submitted on briefs and affidavits of the moving party only. No responses shall be required or submitted by the opposing party and there shall be no oral argument permitted unless the judge so

directs. The court shall notify the parties whether: (1) the Motion for Reconsideration has been denied and the hearing stricken; or (2) oral argument and/or responsive pleadings are required.

~~(2)~~(4) **Motion and Order to Shorten Time.**

(A) Motions to Shorten Time. All Motions to Shorten Time shall be in writing and supported by declaration or affidavit that (a) states the reasons why the matter should be heard on shortened time and (b) sets forth the manner and method by which notice, or attempted notice, was provided to all other parties regarding presentation of the Motion to Shorten Time. If the moving party has been unable to notify all parties of the Motion to Shorten Time, it is within the judicial officer's discretion to proceed with the Motion to Shorten Time. The court file shall be presented with the Motion to Shorten Time, declaration or affidavit, and the proposed Order.

(B) Judicial Department Motions. If the underlying motion is to be heard by a Judge, the Motion to Shorten Time and the underlying motion shall be presented to the assigned judicial department. If the assigned judicial department is not available to consider the Motion to Shorten Time, the matter shall be presented to the Presiding Judge for consideration. If the Presiding Judge is not available, the moving party shall contact Superior Court Administration for additional information as to which Judge can hear the Motion to Shorten Time.

(C) Commissioner Motions. If the underlying motion is to be heard by a Commissioner, the Motion to Shorten Time and the underlying motion shall be presented to the Ex Parte Division. The Motion to Shorten Time shall be heard by a duly appointed Court Commissioner and not a Commissioner Pro Tem. If granted, a copy of the Order Shortening Time and Note for Commissioner Docket shall be given to the Commissioner Services Department.

(D) Notice. The party requesting the Order to Shorten Time shall notify all opposing parties of the Motion to Shorten Time and the time and location of its presentation. Any party opposing the Motion to Shorten Time shall appear or respond by declaration or affidavit setting forth the basis of the opposition. Failure to appear or respond to the Motion to Shorten Time does not preclude a party from requesting terms.

(E) Service. If the Motion to Shorten Time is approved by the appropriate judicial officer, the party shall provide a copy of the pleadings relating to the Motion to Shorten Time as well as to the underlying motion, to all parties as soon as possible or as otherwise directed by the Court.

(5) Reapplication. No party shall reargue the same motion to a different judicial officer without showing by affidavit, what motion was previously made, when and to which judicial officer, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judicial officer.

(6) Temporary Restraining Orders and Injunctive Relief. See [PCLR 65](#).

PCLR 16 PRETRIAL AND SETTLEMENT PROCEDURES

(a) Designated Judge. Except in the case of family law matters or unless otherwise provided for herein, the judicial department to whom the case is assigned at the time of filing shall hear all pretrial matters.

(b) Pretrial Procedure.

(1) Pretrial Conferences. The lead trial attorney of each party represented by an attorney and each self-represented party shall attend the pretrial conference. The conference shall include those matters set forth in [CR 16](#) as well as any other matters that might result in a speedy, just and economical resolution of the case.

(2) Exchange of Exhibit and Witness Lists. In cases governed by an Order Setting Case Schedule pursuant to [PCLR 3](#), the parties shall exchange: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits ~~except those to be used only for illustrative purposes, and~~ except for those items agreed to by counsel and self-represented parties, such as identical copies of items already produced to avoid unnecessary duplication. Counsel and self-represented parties are encouraged to ascertain that each has full and complete copies of any document to be presented at trial to avoid unnecessary duplication expenses. In addition, non-documentary exhibits, ~~except for those to be used only for illustrative purposes,~~ shall be made available for inspection by all other parties no later than fourteen (14) days before trial. Any witness or exhibit not listed shall not be used at trial, unless the court orders otherwise for good cause and subject to such conditions as justice requires.

(3) Pretrial Motions. All such motions shall be served, filed and heard pursuant to [PCLR 7](#); provided that no pretrial dispositive motions shall be heard after the cutoff date provided in the Order Setting Case Schedule except by order of the court and for good cause shown.

(4) Joint Statement of Evidence. In cases governed by an Order Setting Case Schedule pursuant to [PCLR 3](#) the parties shall file a Joint Statement of Evidence containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity and admissibility.

(c) Alternative Dispute Resolution. Some form of Alternative Dispute Resolution ("ADR") is required in all cases prior to trial except as noted otherwise below.

(1) Non-Family Law Cases. At least 30 days prior to trial the parties shall each submit a certification or declaration that they have participated in one or more types of Alternative Dispute Resolution, including, but not limited to: formal negotiations that included an exchange of written proposals; arbitration; or mediation.

(2) Family Law Cases. Judicial Officers shall make themselves available for settlement conferences in dissolutions, paternity cases involving petition/motion for establishment of residential schedule or parenting plan, post-dissolution petitions for modification of custody and related Family Law matters, except in Non-Parental Custody Petitions under RCW 26.10, which are exempt from mandatory ADR unless ordered by the Assigned Judge. The attorney or self-represented party may utilize an alternative dispute resolution process to satisfy the settlement conference requirement.

(A) Scheduling and Submission of Materials. A settlement conference Judicial Officer shall be randomly assigned by the LINX computer program at the time the family law case is filed. The parties shall conduct any settlement conference no later than the date set forth in the Case Schedule.

The assigned settlement conference Judicial Officer's judicial assistant shall schedule the exact date and time of the settlement conference. If the assigned settlement conference Judicial Officer is not available to conduct the settlement conference before the trial date the attorneys or self-represented parties shall utilize an alternative dispute resolution process to satisfy the settlement conference requirement.

The attorney or self-represented party shall prepare a [Domestic Relations Information Form](#) and submit the same to the settlement Judicial Officer and opposing counsel or opposing self-represented party not later than two (2) court days prior to the conference. See Appendix, [Form E](#). A fax or email transmittal of working copies shall not be acceptable delivery. This form may be supplemented.

(B) Attendance. Parties shall attend the settlement conference. Attendance may be excused, in advance, by the settlement judicial officer for good cause. Failure to attend may result in the imposition of terms and sanctions as the judicial officer deems appropriate.

(C) Proceedings Privileged. Proceedings of the settlement conferences shall, in all respects, be privileged and not reported or recorded. Without disclosing any communications made at the settlement conference, the settlement conference Judicial Officer may advise the assigned judicial department in writing as to whether the use of further or alternative dispute resolution procedures, or the appointment of additional investigators or the development of additional evidence would be advisable prior to trial.

(D) Settlement of Case. When a settlement has been reached, the settlement agreement or partial agreement shall be placed on the record or reduced to writing.

(E) Disqualification. A Judicial Officer presiding over a settlement conference shall be disqualified from acting as the trial Judge in that matter, unless all parties agree in writing.

(F) Withdrawal of Attorney. If any attorney withdraws and a settlement conference has been scheduled or is required to be scheduled by the existing case schedule, the withdrawing attorney shall inform his/her client of the date, time and location of the settlement conference, as well as a brief explanation of the process, including how to schedule a settlement conference and expectations.

(G) Waivers of ADR in Family Law Matters for DV, Child Abuse or other Good Cause. Upon motion and approval of the Assigned Judge [not the settlement conference judge], ADR, including settlement conferences, may be waived in Family Law cases involving domestic violence and/or child abuse or for other good cause shown:

(i) Where a Domestic Violence Restraining Order or Protection Order (excluding Ex-Parte orders) involving the parties has been entered by a court at any time within the previous twelve (12) months; or

(ii) Where a Domestic Violence or other No Contact order involving the parties exists pursuant to [RCW 10.99](#), or has been in effect within the past twelve (12) months; or

(iii) Where the court upon motion finds that allegations of domestic violence or other abuse between the parties are such that it would not be appropriate to mandate alternative dispute resolution; or

(iv) Where the court upon motion finds that allegations of child abuse involving at least one of the parties are such that it would not be appropriate to mandate alternative dispute resolution; or

(v) For other good cause shown.

Motions for Waivers of ADR in Family Law must be brought in accordance with the provisions of [PCLR 7](#). The Motion to Waive Mandatory Settlement Conference shall contain the case heading and otherwise be as set forth in Appendix, Form R.

(3) Cases Exempt from Alternative Dispute Resolution. The following cases are exempt from participating in an alternative dispute resolution process: LUPA, RALJ, ALR, child support cases, Non-Parental Custody Petitions under [RCW 26.10](#), trials de novo after arbitration and family law cases in which a waiver was granted pursuant to [PCLR 16\(c\)\(2\)\(G\)](#). Although settlement conferences are not mandatory for Non-Parental Custody Petitions brought under [RCW 26.10](#), any party may request a settlement conference or other form of ADR by motion to the Assigned Judge.

PCLR 26 DISCOVERY: DISCLOSURE OF POSSIBLE LAY AND EXPERT WITNESSES

(a) Scope. This rule shall apply to all cases governed by an Order Setting Case Schedule pursuant to [PCLR 3](#).

(b) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the Order Setting Case Schedule, disclose all persons with relevant factual or expert

knowledge whom the party reserves the option to call as witnesses at trial.

(c) Disclosure of Rebuttal Witnesses. Each party shall, no later than the date for disclosure designated in the Order Setting Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(d) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:

(1) All Witnesses. Name, address and phone number.

(2) Lay Witnesses. A brief description of the witness's relevant knowledge.

(3) Experts. A summary of the expert's anticipated opinions and the basis therefore and a brief description of the expert's qualifications or a copy of curriculum vitae if available. For the purposes of this rule, treating physicians shall be considered expert as well as fact witnesses.

~~**(e) Exclusion of Testimony.** Any person not disclosed in compliance with this rule shall not be called to testify at trial, unless the court orders otherwise for good cause and subject to such conditions as justice requires.~~

~~**(f)**~~**(e) Discovery Not Limited/Additional Witness Identified.** This rule does not modify a party's responsibility to timely supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule or by other civil rules.

~~**(g)**~~**(f) Interrogatories.** The number of interrogatories is limited depending on track assignment. See [PCLR 3\(h\)](#).