

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES**

IN RE THE MATTER OF THE RESPONSE)	Nos. 20-2-00001-03
BY BENTON AND FRANKLIN)	20-2-50001-11
SUPERIOR COURT TO THE COUNTIES)	
PUBLIC HEALTH EMERGENCY IN)	2nd AMENDED
BENTON AND FRANKLIN COUNTIES)	EMERGENCY ORDERS #4-01A
AND FOR THE STATE OF WASHINGTON)	Re: Domestic Relations Matters

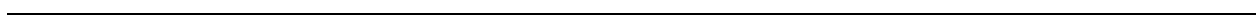
Effective: October 12, 2020

The public health emergency in Washington State posed by the novel coronavirus (COVID-19) continues to evolve and requires modification of Emergency Order #1 (issued March 16, 2020), Emergency Order #2 (Issued March 19, 2020) and Emergency Order #3 (issued on April 22, 2020). The Court has in mind this factual record of the Emergency Orders and incorporates the same by reference, and adds to this record the following:

1. On April 29, 2020, Washington Supreme Court Chief Debra Stephens entered Order No. 25700-B-618, revising and superseding prior orders and stating as follows:

Between now and a reasonable time after courthouse-based operation resume, court are encouraged to hear non-emergency matters and have the authority to hear these matter by video, telephone or other means that do not require in-person attendance, provided that the parties are able to suitable participate in the hearings. These include procedural and substantive motions. Courts are encouraged to resume in-person hearing are non-emergency matters provided social distancing and other public health measures are strictly observed.

NOW, THEREFORE it is hereby **ORDERED**, pursuant to the authority of the Washington State Supreme Court Order No, 25700-B-622, and the authority as the Presiding Judge of Benton and Franklin Counties, that the following shall be in effect beginning immediately:



It IS ORDERED THAT:

Until further notice the following temporary procedures will be in place for each of the following domestic law dockets in Benton & Franklin Counties and the following changes will occur to the BENTON COUNTY DOCKETS ONLY:

Franklin – Monday AM – Family Law docket

Benton – Tuesday - Over Tens docket

8:15 a.m. – OVERTENS - Petitioner last name beginning with A-M

1:15 p.m. – OVERTENS - Petitioner last name beginning with N-Z

Benton – Tuesday’s Under Tens docket – **moved to Wednesday at 8:30am** before the “Prosser docket”

Benton – Tuesday – Paternity docket

Benton – Tuesday – Pro Se docket

Benton – Wednesday – Prosser docket

1. Timelines: Motions. Beginning May 1, 2020, timelines for filing motions will be as follows:
 - a. The moving party shall no later than **twenty-one (21) calendar days** prior to hearing date, file with the Clerk and serve on the opposing party/counsel the motion, note for motion dockets and all supporting documents.
 - b. The opposing party’s strict response must be filed and served no later than noon, **eleven (11) calendar days** prior to hearing.
 - c. Documents filed in strict reply to the response must be filed and served not later than noon, **five (5) calendar days** prior to the hearing.
 - d. The Court will not consider any issues raised for the first time in the strict reply document.
 - e. Both parties are required to upload to eMotion all documents, including their proposed order, in the time frames as set forth in this Order. If a party does not have access to eMotion, then their pleadings must be mailed or delivered to Court Administration pursuant to the time frames as set forth in this Order.
 - f. The READ FIRST/CONFIRMATION must be uploaded to eMotion not later than **3:00 p.m. five (5) calendar days** prior to the hearing. (see Appendix #1 – Read First)
 2. Timelines: Continuance/Agreed Orders. Beginning May 1, 2020, timelines for Continuance and Agreed Orders:
 - a. Matters which have been previously noted in conformance with above rule, may be re-noted and served on the opposing party upon **seven (7) calendar days** notice. (parties to identify on the Read First and re-note with the Clerk).
 - b. Matters which are agreed (i.e. Agreed Orders, Final pleadings), may be noted for the docket with **seven (7) calendar days notice**. Agreed Orders (**other than Final Orders**) shall be uploaded to eMotion and the Judicial Officer will print it, sign it and file it. Attorneys to obtain copies from the Clerk.
 3. Docket Assembly. The Clerk will assemble dockets in normal course. However, beginning the week of May 25, 2020 and thereafter, until further notice, the Clerk shall assemble a Draft docket **six (6) calendar days** prior to the family law dockets and shall prepare a Final docket not later than **five (5) calendar days** prior to the scheduled docket.
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4. Case Readiness. The judicial officer will decide which cases are confirmed for a written decision, which are being continued to a different date pursuant to the READ FIRST/CONFIRMATION, and which need oral argument.
 - a. If the judicial officer believes oral argument is necessary, it will be set for a telephonic hearing on the date on the Notice of Issue, unless the Court finds good cause to set it on another date. (ie. docket size limitations)
 - b. The Final Docket posted by the Clerk on the Clerk's website will indicate what will happen with each case for a given docket.
 5. Confirmation. The Read First/Confirmation Notice filed by the moving party will be the trigger that a judicial officer will use in determining whether to review the case.
 6. Final Orders. Beginning immediately, for matters that are noted on docket for entry of Final Documents, the original signed documents need to be delivered or mailed to the Court Administrator's Office, two days prior to the docket. The Read First/Confirmation is required and a notation that the documents have been delivered to Court Administrator's Office should be included.
 - a. Final Orders include: Final Orders on Petition to Modify Parenting Plan (& related Final Orders); Final Orders to Modify Child Support (& related Final Orders); Order of Default (& related Final Orders); Decree of Dissolution (& related Final Orders).
 - b. This process is for entry of Agreed Final Orders only and for matters that are noted on the docket.
 - c. A cover letter or information contained in Appendix #4 should be delivered with the Final Orders.
 - d. Court Administration will be utilizing a secure "Drop Box" to be located outside the front door of Court Administration for the delivery of Final Orders associated with this process.
 7. Proposed Orders. For any motion scheduled by a lawyer, proposed orders shall be filed on e-motion no later than **3 calendar days** prior to the scheduled hearing.
 8. Self-represented Litigants. For self-represented litigants, all motions and supporting documents, proof of notice, and proposed orders shall be uploaded to eMotion, but a hard copy of the documents may also be delivered to Court Administration on the same timeframes noted above in paragraph 2. If no orders are delivered, the commissioner may still make a ruling and prepare appropriate orders.
 9. Deficiency Orders. If there are deficiencies in the record, such as no proof of service, defective service or a motion that lacks supporting materials, the judicial officer will complete and file a DEFICIENCY ORDER and the motion will be stricken and may be re-noted with **seven (7) calendar days** notice. (See Appendix #3 – Deficiency Order)
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10. Remote Hearings. Beginning August 3, 2020, the Court will utilize WebEx to conduct all domestic dockets in Benton and Franklin Counties. Attorneys and litigant who wish to appear virtually can connect to the courtrooms by videoconferencing or by telephone. Instructions for use of WebEx shall be posted on the Benton Franklin Superior Court, website and will be posted on the dockets available through the Superior Court Clerk's website.

NOTE: All participants must be muted upon joining and will not be allowed to speak unless prompted by the court. Members of the public are welcome to view court proceedings but are not allowed to participate in the proceedings. The court can and will remove a person from the "courtroom" if they are disruptive. A person who is disruptive could be subject to sanctions by the court just as if the person was physically in the courtroom.


11. Bench Trials. Court Administration will not schedule a trial unless the parties have stipulated to a virtual trial, whereunder only the judicial officer, clerk and court reporter will be in the courtroom. All attorneys, unrepresented litigants and witnesses shall appear via WebEx. Upon receipt of the stipulation, Court Administration will assign dates for the trial and settlement conference date and send notice of same to the attorneys and unrepresented litigants.

- a. The settlement conference will be scheduled approximately 30 days prior to the trial date. The attorneys and unrepresented litigants must comply with LCR 16(a). Settlement conferences may be conducted by WebEx. For purposes of the settlement conference, the parties and their attorneys shall provide an email address to Court Administration. The Court will initiate the WebEx session, and generate an email addressed to all attorneys or unrepresented parties. In the email the recipients will be invited to join the "meeting". During the settlement conference, the judicial officer may meet privately with one party by moving the other to the WebEx "Lobby". In-person settlement conferences may be available at a later date.
 - b. Ten (10) days before the trial date, the attorneys and unrepresented litigants shall
 - i. Prepare and file the Joint Trial Management Report, pursuant to LCR 16 (c), (d) and (f).
 - ii. Prepare bound exhibit notebooks, with numerical tabs so that the Court, Clerk, and each attorney or unrepresented litigant can refer to exhibits without passing materials to each other. Each notebook shall contain a complete copy of each exhibit where possible, and either a photograph (that is clear and viewable) or description where the item is a non-scannable tangible object. With the exception of non-scannable objects, the Clerk's copy of the exhibit notebook shall contain the original evidence to be admitted. Each party must provide opposing attorney or unrepresented litigant and the Court with their copies of the exhibit notebook on this date.
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1. Exhibits may be transmitted electronically to attorneys and unrepresented litigants only with the consent of the attorney or unrepresented litigant.
 2. A table of contents must be in the front of every notebook.
 3. Copies of exhibits that will be referred to during direct examination shall be provided to witnesses expected to appear virtually by the party calling the witness, with the list of such exhibits provided to the opposing party(ies).
 4. Copies of pertinent exhibits that will be referred to during the cross examination, with a list of such exhibits shall be provided to the opposing party(ies) and/or the witnesses.
 5. Party(ies) will confer to attempt to reach a stipulation concerning the method of presentation and the method of presentation to the Court and Clerk of all non-documentary evidence.
 6. This order supersedes LCR 16(b), concerning exhibits and the pre-trial conference.
- c. The attorneys and unrepresented litigants shall familiarize themselves with the procedure for sharing documents on WebEx for the unlikely event that an exhibit was not provided to a witness appearing virtually.
 - d. The attorneys and unrepresented litigants shall file and serve opposing parties their motions *in limine* and trial memoranda no less than five (5) days before trial.
 - e. All attorneys, unrepresented litigants and witnesses must appear via videoconferencing. Except for good cause in compelling circumstances, attorneys, unrepresented litigants and witnesses shall not appear by telephone. All attorneys, unrepresented litigants and witnesses must be situated in a quiet room. Unless a witness is at an attorney's office, absent good cause in compelling circumstances, witnesses must be alone when they testify. Witnesses may not possess any document or thing that can be used to refresh their recollection that is not disclosed to the Court, attorneys and unrepresented litigants.
 - f. The presiding judicial officer shall resolve all evidentiary issues
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12. To the extent authorized by Washington State Supreme Court emergency orders, where any provision of this Order is inconsistent with any statute, state court rule or local rule, the provisions of the Order shall supersede said statute, state court rule or local rule

Dated at Kennewick, Washington this 4 day of October, 2020.



Carrie Runge, Presiding Judge
Benton & Franklin Counties
Superior Court

APPENDIX

- #1 – READ FIRST
 - #2 – ~~INITIAL ORDER~~
 - #3 – DEFICIENCY ORDER
 - #4 – INFORMATION re: FINAL ORDERS
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Superior Court of Washington, County of BENTON/FRANKLIN

In re:

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

And

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

No.

READ FIRST/CONFIRMATION

Hearing date: _____

The above titled case will:

- Go Be struck
- Agreed upon continuance to: _____ (2 weeks)
- Will be requested to be continued by: Moving Non-moving party
- Have an agreed upon order which is uploaded to eMotion.

Date of Service of Summons/Petition: _____

Date of service or mailing of this motion: _____

Nature of this Motion: _____

Documents filed in Support of this Motion:

Status of motion/Counsel conferred as follows: _____

Presented by:

_____, WSBA # _____

Attorney

Superior Court of Washington, County of BENTON/FRANKLIN

In re:

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

;

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

No.

INITIAL ORDER

This matter having been **confirmed** as ready to be issued a decision, the Court Orders as follows:

This matter is being stricken/continued to _____. See attached Deficiency Order dated this date.

This matter is being continued to _____, due to docket case limits/Read First filed by _____.

This matter will be decided on the pleadings only and the Court will file the Order with the Clerk's office no later than _____ days from today's date.

This matter will be set for telephonic Oral Argument, as follows:

Date _____ Time _____

~~*The moving attorney/party is required to call the responding attorney/party and then call the Court at the above stated date & time.~~

Dated this _____ day of _____, 2020

Judge/ Court Commissioner

Superior Court of Washington, County of BENTON/FRANKLIN

In re:

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

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

No.

Order of Deficiency on Court Review of
Pleadings: Commissioner Hearings
(ORDFCH)

**Order of Deficiency on Court Review of Pleadings:
Commissioner Hearings**

THIS MATTER coming on before the Court for hearing and the Court, following review of the file, does hereby find the following deficiencies and therefore declines to issue an order and directs the parties to remedy the deficiency and re-note the matter for further hearing:

No proof of service filed;

Insufficient or defective proof of service filed;

Insufficient time provided for response;

Insufficient documentation of taxes, earnings, and other financial information;

Other: _____

DATED this _____ day of _____, 20_____.

Judge/Commissioner

DROP BOX INFO

This is a process for **AGREED FINAL ORDERS/DEFAULT ENTRY ORDERS ONLY**. If you do not have a court date set, do not submit your orders through this process. If you have proposed orders that are NOT AGREED, they will not be accepted. We will contact you to pick them up within 3 business days. If they are not picked up, they will be destroyed.

Please **DO NOT** drop items here that need to be filed. They will not be filed and will be destroyed.

Please **DO NOT** drop items here that need a judges signature. They will not be signed and will be destroyed.

Attn: _____(judicial officer) Case number:_____

These are Agreed Final pleadings or Default Final Pleadings (check one) that are noted for the following docket:

- Benton County –
 - _____ (date) Domestic relations docket (Tues @ 1:30 pm)
 - _____(date) Pro se/self represented litigant docket (Tues @ 1:30 pm)
- Franklin County
 - _____(date) Domestic relations docket (Monday @ 8:30 am)

I have provided a copy for the Clerk to conform and return to me through legal process or I have provided a copy and a self addressed stamped envelope for the Clerk to conform and to send to me through the US Postal Service or no copies are provided.

Date and Signed by: _____
Telephone number and Email _____

(this form is for informational purposes only and will not be filed with the Clerk or made a part of the Court file).

