CR 26

GENERAL PROVISIONS GOVERNING DISCOVERY

(a) Discovery Methods. Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

(b) Discovery Scope and Limits. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) In General. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The frequency or extent of use of the discovery methods set forth in section (a) shall be limited by the court if it determines that:

(A) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive;

(B) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or

(C) the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties resources, and the importance of the issues at stake in the litigation.

The court may act upon its own initiative after reasonable notice or pursuant to a motion under section (c)

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(5) Trial Preparation: Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subsection (b)(1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A)(i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and to state such other information about the expert as may be discoverable under these rules. (ii) A party may, subject to the provisions of this rule and of rules 30 and 31, depose each person whom any other party expects to call as an expert witness at trial.

(B) A party may discover facts known or opinions held by an expert who is not expected to be called as a witness at trial, only as provided in rule 35(b) or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(C) Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subsections (b)(5)(A)(ii) and (b)(5)(B) of this rule; and (ii) with respect to discovery obtained under subsection (b)(5)(A)(ii) of this rule the court may require, and with respect to discovery obtained under subsection (b)(5)(B) of this rule the court shall require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

(6) Claims of Privilege or Protection as Trial-Preparation Materials for Information Produced. If information produced in discovery is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; and must take reasonable steps to retrieve the information if the party disclosed it before being notified. Either party may

promptly present the information in camera to the court for a determination of the claim. The producing party must preserve the information until the claim is resolved.

(7) Discovery From Treating Health Care Providers. The party seeking discovery from a treating health care provider shall pay a reasonable fee for the reasonable time spent in responding to the discovery. If no agreement for the amount of the fee is reached in advance, absent an order to the contrary under section (c), the discovery shall occur and the health care provider or any party may later seek an order setting the amount of the fee to be paid by the party who sought the discovery. This subsection shall not apply to the provision of records under RCW 70.02 or any similar statute, nor to discovery authorized under any rules for criminal matters.

(8) Treaties or Conventions. If the methods of discovery provided by applicable treaty or convention are inadequate or inequitable and additional discovery is not prohibited by the treaty or convention, a party may employ the discovery methods described in these rules to supplement the discovery method provided by such treaty or convention.

(c) Protective Orders. Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition,the court in the county where the deposition is to be taken may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) that the discovery not be had;

(2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;

(4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;

(5) that discovery be conducted with no one present except persons designated by the court;

(6) that the contents of a deposition not be disclosed or be disclosed only in a designated way;

(7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;

(8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court. If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

(d) Sequence and Timing of Discovery. Unless the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequenc and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(e) Supplementation of Responses. A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement the response to include information thereafter acquired, except as follows:

(1) A party is under a duty seasonably to supplement response with respect to any question directly addressed to:

(A) the identity and location of persons having knowledge of discoverable matters; and

(B) the identity of each person expected to be called as an expert witness at trial, the subject matter on which the expert witness is expected to testify, and the substance of the expert witness's testimony.

(2) A party is under a duty seasonably to amend a prior response if the party obtains information upon the basis of which:

(A) the party knows that the response was incorrect when made; or

(B) the party knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(3) A duty to supplement responses may be imposed by order of the court, agreement of the parties, or at any time prior to trial through new requests for supplementation of prior responses.

(4) Failure to seasonably supplement in accordance with this rule will subject the party to such terms and conditions as the trial court may deem appropriate.

(f) Discovery Conference. At any time after commencement of an action the court may direct the attorneys for the parties to appear before it for a conference on the subject of

discovery. The court shall do so upon motion by the attorney for any party if the motion includes:

(1) A statement of the issues as they then appear;

(2) A proposed plan and schedule of discovery

(3) Any limitations proposed to be placed on discovery

(4) Any other proposed orders with respect to discovery; an

(5) A statement showing that the attorney making the motion has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion.

Each party and each party's attorney are under a duty to participate in good faith in the framing of a discovery plan if a plan is proposed by the attorney for any party.

Notice of the motion shall be served on all parties. Objections or additions to matters set forth in the motion shall be served not later than 10 days after service of the motion.

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(i) Motions; Conference of Counsel Required. The court will not entertain any motion or objection with respect to rules 26 through 37 unless counsel have conferred with respect to the motion or objection. Counsel for the moving or objecting party shall arrange for a mutually convenient conference in person or by telephone. If the court finds that counsel for any party, upon whom a motion or objection in respect to matters covered by such rules has been served, has willfully refused or failed to confer in good faith, the court may apply the sanctions provided under rule 37 (b). Any motion seeking an order to compel discovery or obtain protection shall include counsels' certification that the conference requirements of this rule have been met.

Rules of Evidence

RULE ER 904

ADMISSIBILITY OF DOCUMENTS

(a) Certain Documents Admissible. In a civil case, any of the following documents proposed as exhibits in accordance with section (b) of this rule shall be deemed admissible unless objection is made under section (c) of this rule:
(1) A bill, report made for the purpose of treatment, chart, record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;
(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;
(3) A bill for, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward a copy to the adverse party with a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part and attach a copy of the receipted bill showing the items of repair and amounts paid;
(4) A weather or traffic signal report, or standard United States government table;
(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence;
(6) A document not specifically covered by any of the foregoing provisions but relating to a material fact and having equivalent circumstantial guaranties of trustworthiness, the admission of which would serve the interests of justice.
(b) Notice. Any party intending to offer a document under this rule must serve on all parties a notice, no less than 30 days before trial, stating that the documents are being offered under Evidence Rule 904 and shall be deemed authentic and admissible without testimony or further identification, unless objection is served within 14 days of the date of notice, pursuant to ER 904(c). The notice shall be accompanied by (1) numbered copies of the documents and (2) an index, which shall be organized by document number and which shall contain a brief

description of the document along with the name, address and telephone number of the document's author or maker. The notice shall be filed with the court. Copies of documents that accompany the notice shall not be filed with the court.
(c) Objection to Authenticity or Admissibility. Within 14 days of notice, any other party may serve on all parties a written objection to any document offered under section (b), identifying each document to which objection is made by number and brief description.
(1) If an objection is made to a document on the basis of authentication, and if the court finds that the objection was made without reasonable basis, the offering party shall be entitled to an award of expenses and reasonable attorney fees incurred as a result of the required proof of authentication as to each such document determined to be authentic and offered as an exhibit at the time of trial.
(2) If an objection is made to a document on the basis of admissibility, the grounds for the objection shall be specifically set forth, except objection on the grounds of relevancy need not be made until trial. If the court finds that the objection was made without reasonable basis and the document is admitted as an exhibit at trial, the court may award the offering party any expenses incurred and reasonable attorney fees.
(d) Effect of Rule. This rule does not restrict argument or proof relating to the weight to be accorded the evidence submitted, nor does it restrict the trier of fact's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties.

EXHIBITS.

Whether the similarity of demonstrative evidence is sufficient to justify its admission is a matter for the trial court's discretion; if the similarity is sufficient to justify admissibility, any lack of similarity goes to the weight of the evidence. State v. Rogers, 70 Wn. App. 626, 855 P.2d 294, review denied, 123 Wn.2d 1004, 868 P.2d 872 (1993).

EXPERT REPORT.

Documents that contain subjective facts, opinions, and conclusions are not properly admitted under Wash. R. Evid. 904 because the parties should have a chance to cross-examine the opinions and conclusions and present alternate opinions; therefore, a trial court erred by admitting an expert report regarding tile color under Rule 904 in a breach of contract case; however, the error was not reversible since there was other evidence on the same issue introduced at trial. Lutz Tile, Inc. v. Krech, 2007 Wash. App. LEXIS 147, 136 Wn. App. 899, 151 P.3d 219 (2007).

HEARSAY DOCUMENTS.

The titles of this rule and its first section make clear the rule relates to admission and not just to authenticity. Further, the rule's plain language anticipates the admission of hearsay documents; in fact, the majority of documents enumerated in the rule ordinarily constitute or include objectionable hearsay. In addition, the rule's catch-all provision uses a hearsay concept (circumstantial guarantees or trustworthiness) as a basis to admit documents not elsewhere identified in the rule. Miller v. Arctic Alaska Fisheries Corp., 83 Wn. App. 255, 921 P.2d 585 (1996), modified on other grounds, 133 Wn.2d 250, 944 P.2d 1005 (1997).

OBJECTION.

The trial court erred in excluding medical records because, when the plaintiffs designated the documents pursuant to this rule, they waived all objections to their admissibility and they could not rely upon the defendant's general objections to prevent admission of the documents. Hendrickson v. King County Sch. Dist. No. 408, 2000 Wash. App. LEXIS 959, 101 Wn. App. 258, 2 P.3d 1006 (2000).

In the absence of a timely objection, a document offered pursuant to this rule is deemed admitted. Tornetta v. Allstate Ins. Co., 94 Wn. App. 803, 973 P.2d 8, review denied, 138 Wn.2d 1012, 989 P.2d 1143 (1999).

Failure to object to the admissibility of certain documents under this rule did not prohibit a party from later challenging the accuracy of the information contained on those documents. Hawkins v. Marshall, 92 Wn. App. 38, 962 P.2d 834 (1998). The objection provision relates not only to authentication, but to all evidentiary objections. Substantive evidentiary objections are generally waived if not made

within the time provided, because holding otherwise would prevent meaningful expedition of admission of the many hearsay-type documents targeted by the rule, and would prejudice parties giving proper notice in reliance on the rule. Miller v. Arctic Alaska Fisheries Corp., 83 Wn. App. 255, 921 P.2d 585 (1996), aff'd in part, rev'd on other grounds, 133 Wn.2d 250, 944 P.2d 1005 (1997).

The rule is not limited to authenticity objections, and to prevent the introduction of hearsay, an opposing party must ordinarily object within the rule's time frame. Miller v. Arctic Alaska Fisheries Corp., 83 Wn. App. 255, 921 P.2d 585 (1996), modified on other grounds, 13 Wn.2d 250, 944 P.2d 1005 (1997).

While the subheading of subsection (c), "Opposing Party May Require Proof of Identification and Authentication," gives some indication that only authentication objections would be waived, the court did not believe that the language of the heading controls interpretation of the scope of the entire rule, because it is in fundamental conflict with other comments, with the remaining language of the rule, and with the rule's overall structure. Miller v. Arctic Alaska Fisheries Corp., 83 Wn. App. 255, 921 P.2d 585 (1996), modified on other grounds, 133 Wn.2d 250, 944 P.2d 1005 (1997).

VIDEOTAPES.

In determining whether photographs should be admitted, the trial court must determine whether the probative value of the evidence outweighs its prejudicial effect; the test is identical for videotapes. State v. Rogers, 70 Wn. App. 626, 855 P.2d 294, review denied, 123 Wn.2d 1004, 868 P.2d 872 (1993).

Where, in admitting the videotape, the trial court instructed the jury to disregard any differing conditions and to consider the evidence for demonstrative purposes only, excised the less probative sections and cut out the somewhat distracting audio portion, these efforts by the trial court mitigated any unfair prejudice. State v. Rogers, 70 Wn. App. 626, 855 P.2d 294, review denied, 123 Wn.2d 1004, 868 P.2d 872 (1993).

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

Plaintiff,	Case No.
vs.	JOINT STATUS REPORT
Defendant	

Pursuant to LR40(c)(4), Plaintiff and Defendant hereby submit the following Joint Status Report.

1. **Confirmation of Service of Process.**

The parties confirm that all named parties have been served with the Complaint, Summons and Case Assignment Notice.

2. **Confirmation of Joinder.**

[ ] Plaintiff confirms that all parties and claims are joined to this case pursuant to CR 18, 19, and 20.

[ ] Defendant confirms that it is unaware of any other joinder of claims or parties that can or should be joined pursuant to CR 18, 19, or 20.

3. **Jury Demand**

[ ] Plaintiff has made a demand for a jury trial and paid the applicable fee to the Clerk of the Court.

[ ] Defendant has made a demand for a jury trial and paid the applicable fee to the Clerk of the Court.

[ ] No jury demand has been made.

4. **Anticipated Length of Trial**

The parties request _____ days for trial.

Date: _____

Signed:_____	Signed:_____
Name:_____	Name:_____
WSBA No._____	WSBA No._____
Attorney for Plaintiff	Attorney for Defendant
Address:_____	Address:_____
_____	_____
Phone:_____	Phone:_____
E-mail:_____	E-mail:_____

A courtesy copy of the Joint Status Report shall be provided to the assigned judicial department at least five (5) days prior to the Scheduling Conference in accordance with LR 40(c)(4).

A judgment on award shall be presented to the "assigned" judge, by any party, on notice in accordance with MAR 6.3.

VII. TRIAL DE NOVO

RULE 7.1 REQUEST FOR TRIAL DE NOVO

At the time of filing the request for trial de novo, the appealing party shall file and serve on the other party or parties a Notice to Set for Trial pursuant to Local Rule 40(b). The appealing party shall simultaneously cite the case on before the assigned judge at his or her earliest available civil motion docket (with a minimum one week's notice to all parties) for a Scheduling Conference and entry of a Case Scheduling Order pursuant to LR 40(c). [Amended effective January 1, 2017]

RULE 7.2 PROCEDURE AT TRIAL

The clerk shall seal any award if a trial de novo is requested.

VIII. GENERAL PROVISIONS

RULE 8.1 STIPULATION - EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

RULE 8.3 EFFECTIVE DATE

These rules shall take effect on July 1, 1986. With respect to civil cases pending trial on that date, if the case has not at that time received a trial date, or if the trial has been set later than October 1, 1986, any party may serve and file a statement of arbitrability indicating that the case is subject to mandatory arbitration. If within 14 days no party files a response indicating the case is not subject to arbitration, the case will be transferred to the arbitration calendar. A case set for trial earlier than October 1, 1986, will be transferred to arbitration only upon order of the court.

RULE 8.4 TITLE AND CITATION

These rules are known and cited as the Clark County Superior Court Mandatory Arbitration Rules. LMAR is the official abbreviation.

RULE 8.6 COMPENSATION OF ARBITRATOR

RULE 38. DEMAND FOR JURY

(b) (1) Non-arbitration cases. Except for cases submitted for arbitration, failure to demand a jury (and pay the required fee) in the types of cases described in LR 40(b)(2) within 30 days of the filing of the Notice to Set for Trial or the Response will be deemed a waiver of the right to a jury trial. For all other cases not submitted to arbitration, or upon request for the trial de novo, failure to demand a jury (and pay the required fee) by the date of the Scheduling Conference will be deemed a waiver of the right to a jury trial. The time period hereunder may be extended only by prior court order upon good cause shown.

(b) (2) Arbitration cases. In the event a trial de novo is requested under MAR 7.1, the parties must file a Notice to Set for Trial or a Citation for Scheduling Conference with the request for trial de novo and demand jury pursuant to (b)(1) above.

RULE 40. ASSIGNMENT OF CASES

(B) <u>Methods – Specific Types of Civil Cases NOT Subject to Court-Ordered Case Scheduling Order</u>.

(1) This rule shall apply to all cases filed on or after January 1, 2017.

(2) With respect to the following types of cases, unless otherwise provided in these rules or ordered by the Court, an attorney or party desiring to place a case on the trial readiness calendar shall file a "Notice to Set for Trial" on a form prescribed and approved by the court.

(A) Change of Name;
(B) Proceedings under RCW Title 26;
(C) Anti-harassment protection order RCW 10.14;
(D) Uniform Reciprocal Enforcement of Support Act (URESA) and Uniform Interstate Family Support Act (UIFSA);
(E) Unlawful detainer under RCW 59.12 and/or 59.16;
(F) Foreign judgment;
(G) Abstract or transcript of judgment;
(H) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
(I) Civil commitment;
(J) Proceedings under RCW chapter 10.77;
(K) Proceedings under RCW chapter 70.96A;
(L) Proceedings for isolation and quarantine;
(M) Vulnerable adult protection under RCW 74.34;
(N) Proceedings referred to referee under RCW 4.48;
(O) Adoptions;
(P) Sexual assault protection under RCW 7.90;
(Q) Actions brought under the Public Records Act (RCW 42.56);
(R) Will contests, guardianships, probate and TEDRA Matters;
(S) Marriage Age Waiver Petitions;
(T) Receivership proceedings (filed as an independent action and not under an existing proceeding);
(U) Work permits;
(V) Appeals from lower courts and land use appeals;
(W) Petition to approve minor/incapacitated adult settlement (when filed as an independent action and not under an existing proceeding) and/or emancipation of minors, and/or for transfer of structured settlements under RCW 19.205;
(X) Tax foreclosures;
(Y) Injunction;
(Z) Condemnation; and

(AA) Cases which were served on the respondents prior to filing and are being filed with the clerk for the sole purpose of obtaining a simultaneous order of default and/or default judgement.

(3) Certification. The attorney by filing a Notice to Set for Trial certifies that the case is fully at issue with all necessary parties joined, all anticipated discovery has been or will be completed before trial and that all other counsel have been served with copy of the Notice.

(4) Response to Notice to Set for Trial. An attorney who objects to a case being set for trial, or who otherwise disagrees with the information on the "Notice," shall file and serve a "Response to Notice to Set for Trial" on a form prescribed by the court within 10 days of the date of service of the "Notice." The Response shall be noted for hearing the objection not more than 25 days after the date of service of the "Notice to Set for Trial." No Response is necessary if counsel agrees with the "Notice to Set for Trial." See Rule 38 re: Demand for Jury.
[Amended September 1, 2004]

(5) Call for Trial. Any case placed on the readiness calendar will be subject to call for trial or to be assigned a specific date for trial. The court will give reasonable notice of the trial date assigned.

(6) Continuances. When a case has been called from the readiness calendar and set, it shall proceed to trial or be dismissed, unless good cause is shown for continuance, or the court may impose such terms as are reasonable and in addition may impose costs upon counsel who has filed a Notice to Set for Trial, or who has failed to object thereto and is not prepared to proceed to trial. No request for continuance will be considered without the written acknowledgement of the client on the pleadings and an affidavit giving the particulars necessitating a continuance in accordance with CR 40(d) and (e). Continued cases may be removed from the trial calendar at the discretion of the court and, if removed, will be re-calendared only upon filing a new Notice to Set for Trial.

(7) Mandatory Settlement Conferences. All cases involving dissolution of marriage or modification of prior decrees, except those meeting the requirements for accelerated setting (see Notice form) will be scheduled for a mandatory settlement conference following the filing of a Notice to Set for Trial. No case subject to this section will be set for trial without a pre-trial settlement conference first being held unless a judicial waiver is obtained.
[Amended effective September 1, 1996]

(A) Settlement Conference Affidavit. Each party must complete the Pre-Trial Domestic Relations Settlement Conference Affidavit on the form available from the Superior Court Administrator. The original must be filed with the Superior Court Clerk and a copy served on the opposing attorney or party if not represented by an attorney, no later than 4:00 p.m. one week prior to the scheduled conference. At the same time, a copy of the Affidavit, to be used by the judge or commissioner conducting the conference, must be filed with the Superior Court Administrator. Failure to file and serve the Affidavit one week prior to the conference shall subject the person failing to do so to an assessment of not less than $150.00 and up to $500.00. Failure to file an affidavit and/or appear at the conference may subject a party or attorney to additional sanctions. [Amended effective September 1, 2014]

(C) Methods – General Cases Subject to Court-Ordered Case Scheduling Order.

(1) Case Assignment Notice. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading in a case not specifically listed in LR 40(b)(1) is filed and a new civil case file is opened and assigned to a judicial department by the Clerk, the attorney or filing party shall simultaneously prepare and file a Notice Assigning Case to Judicial Department and Setting Scheduling Conference Date (referred to hereinafter as "Case Assignment Notice") in a form prescribed and approved by the Court. Unless otherwise ordered by the Court, the Scheduling Conference Date shall be scheduled for a date which is no less than four (4) months, nor more than six (6) months, from the date of filing the initial pleading. The clerk shall place the Scheduling Conference Date on the assigned department's civil motion docket for said date, which may not be changed without prior approval of the Court.

(2) Service of Case Assignment Notice. The party filing the initial pleading shall promptly provide a copy of the Case Assignment Notice to all other parties by (i) serving a copy of the Case Assignment Notice on the other parties along with the initial pleading, or (ii) serving the Case Assignment Notice on the other parties within 10 days after filing the initial pleading.

(3) Service on Joined Parties. A party who joins an additional party in an action shall serve the additional party with the current Case Assignment Notice together with the first pleading served on the additional party.

(4) Scheduling Conference. All counsel and/or self-represented litigants shall appear personally at the Scheduling Conference unless prior permission is obtained from the assigned judicial department. At least five (5) court days prior to the Scheduling Conference, the parties shall file a Joint Status Report. A courtesy copy of the Joint Status Report shall be provided to the assigned judicial department at least five (5) days prior to the Scheduling conference. The Joint Status Report shall include: (i) confirmation of service on all parties; (ii) confirmation of joinder of all parties, claims, and defenses; (iii) confirmation of filing a jury demand with accompanying fee, if applicable; (iv) verification as to whether the case is subject to mandatory arbitration; and (v) verification of the anticipated length of trial. At the Scheduling Conference, the Court shall determine whether the case is subject to mandatory arbitration and immediately refer any such cases for mandatory arbitration. For those cases not subject to mandatory arbitration, unless good cause is shown, the Court shall enter a Case Scheduling Order substantially as follows, with specific provisions subject to adjustment at the assigned judge's discretion to wit:

For the purposes of the following table, "SC" refers to Scheduling Conference date. "T" refers to Trial date.

Plaintiff/Petitioner's Disclosure of Primary Witnesses	SC + 3 weeks
Defendant/Respondent's Disclosure of Primary Witnesses	SC + 6 weeks
Disclosure of Rebuttal Witnesses	SC + 9 weeks
Discovery Cutoff	T – 12 weeks
Deadline for Filing Motion to Change Trial Date	T – 12 weeks
Exchange of Witness and Exhibit Lists and Documentary Exhibits	T – 6 weeks

Deadline for Hearing Dispositive Pretrial Motions	T – 6 weeks
Trial Memoranda and Motions in Limine	T – 2 weeks
Trial date	SC + min. 8 max. 10 months

(5) Amendment of Case Scheduling Order. The Court, either on motion of a party or on its own initiative, or at any conference requested by the parties, may modify the Case Scheduling Order for good cause shown. The Court shall freely grant a motion to amend the Case Scheduling Order when justice so requires. Any such motion shall include a proposed Amended Case Scheduling Order. If a Case Scheduling Order is modified on the Court's own motion, the judicial assistant for the assigned department will prepare and file the Amended Case Scheduling Order and promptly mail it to all parties. Parties may not amend a Case Scheduling Order by stipulation without approval of the Court.

(6) Enforcement. The assigned judicial department, on its own initiative or on motion of a party, may impose sanctions or terms for failure to comply with the Case Scheduling Order established by these rules. If the court finds that an attorney or self-represented party has failed to comply with the Case Scheduling Order and has no reasonable excuse, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the court may impose such other sanctions as justice requires. As used in this rule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

(7) Continuances. When a trial date has been set pursuant to LR 40(c)(4), it shall proceed to trial or be dismissed, unless good cause is shown for continuance. If the court determines a continuance is required, the court may impose such terms as are reasonable and in addition may impose costs upon any counsel and/or party who is not prepared to proceed to trial. No request for continuance will be considered without the written acknowledgement of the client on the pleadings and an affidavit giving the particulars necessitating a continuance in accordance with CR 40(d) and (e). Continued cases shall be provided a new trial date at the time the continuance is granted and an Amended Case Scheduling Order shall be issued at the discretion of the trial court.

(D) Preferences.

(1) Criminal cases shall be accorded priority and shall be assigned trial dates in accordance with CrR 3.3(f).

VII. TRIAL DE NOVO
RULE 7.1 REQUEST FOR TRIAL DE NOVO

At the time of filing the request for trial de novo, the appealing party shall file and serve on the other party or parties a Notice to Set for Trial pursuant to Local Rule 40(b). The appealing party shall simultaneously cite the case on before the assigned judge at his or her earliest available civil motion docket (with a minimum one week's notice to all parties) for a Scheduling Conference and entry of a Case Scheduling Order pursuant to LR 40(c).

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

Plaintiff,	Case No.
vs.	STATEMENT OF ARBITRABILITY
Defendant	(CLERK'S ACTION REQUIRED)

I. CERTIFICATE OF ARBITRABILITY

[ ] This case is subject to arbitration because the sole relief sought is a money judgment and it involves no claim in excess of $50, 000, exclusive of attorney fees, interest, and cost. ***Per RCW 36.18.016(25) and Clark county Ordinance 2003-04-24, a mandatory arbitration fee of $220.00 is due upon filing of this document.***

[ ] The undersigned contends that its claim exceeds $50,000 but for the purposes of arbitration, waives any claim in excess of $50,000, exclusive of attorney fees, interest, and cost. ***Per RCW 36.18.106(25) and Clark County Ordinance 2003-04-24, a mandatory arbitration fee of $220.00 is due upon filing of this document.***

II. CERTIFICATE OF READINESS

The undersigned attorney certifies that:

a. All parties have been joined and served;

b. All answers and other mandatory pleadings have been filed and served;

c. No additional claims or defenses will be raised;

d. This is **not** an appeal from a lower court;

e. Relief other than a money judgment is **not** being sought; and

f. All counsel and/or self-represented parties have been served with a copy of this State of Arbitrability.

Date:_____

Signed:_____
Name:_____
WSBA No._____
Attorney for:_____
Address:_____
_____
Phone:_____
E-mail:_____

Unless excluded from Local Rule 40 (see Local Rule 40(b)), this Statement of Arbitrability shall be **filed and served** on all parties **no later than ten (10) court days prior to the Scheduling Conference** (Local Rule 40(c)(4) and LMAR 2.1(a)(2)). Thereafter, a Statement of Arbitrability may be filed only by leave of Court. A courtesy copy of the Statement of Arbitrability shall also be provided to Superior Court Administration at the time of filing.

List name, address, and phone number of all parties requiring notice.

Name:_____
Attorney for:_____
Address:_____
_____
Phone:_____
E-mail:_____

Name:_____
Attorney for:_____
Address:_____
_____
Phone:_____
E-mail:_____