

LSPR 94.03B MOTION PRACTICE

(a) Court Calendars.

(1) *Limits on Calendars.* The court may direct the clerk to limit the number of motions to be heard on a particular calendar. Motions may be scheduled on a full calendar only by court order. The clerk will inform the moving or petitioning party if a hearing is noted for a calendar that is already full.

(2) Scheduling Hearings.

(A) Calendar Information. The schedules for family law calendars and ex parte matters are available on the court's website and at the FJC. The schedule for these calendars may be changed throughout the year. Parties and counsel who are not familiar with Thurston County practice are advised to confirm calendar schedules before setting matters for hearings. Incorrectly scheduled matters will not be scheduled or may be stricken if scheduled.

(B) Court Commissioners' Calendars. All motions in family law cases, except those identified below, shall be noted for hearing before the assigned court commissioner. Motions may not be noted for a hearing before filing the motion, briefs, and all supporting documents.

(C) Judges' Calendars. Motions for revision, dispositive motions, motions to continue trial, motions to amend a case scheduling order, motions to authorize or restrain a temporary relocation, and motions in cases where all court commissioners are unable to hear the case shall be noted for hearing before a judge.

(D) Change of Venue Motions. Motions for change of venue shall be heard by a judge unless, before the hearing, the parties to the case provide a written waiver of the ability to move for revision of the commissioner's decision. If a waiver is filed, a court commissioner may hear the motion for change of venue.

(E) Domestic Violence Cases. Petitions for a temporary civil protection order in domestic violence cases shall be heard on a daily basis at a specific time. If a party can demonstrate a need for an earlier hearing, the matter may be heard pursuant to ex parte procedures.

(b) Filing Requirements and Deadlines.

(1) Motions, briefs, and all supporting documents must be filed and served before 5:00 p.m. six court days before the motion calendar day (for example, by 5:00 p.m. on Monday of the week preceding a Tuesday calendar). Motions may not be scheduled for a hearing before filing the motion and any declarations. Upon objection, motions that violate this requirement may be stricken or continued. This rule does not affect the notice requirements of the Civil Rules or any statute regarding dispositive motions.

(2) All responding documents must be filed and served before noon three court days before the motion calendar day (for example, by noon Thursday for a Tuesday calendar).

(3) All reply documents must be filed and served before noon, two court days preceding the motion calendar day (for example, by noon Friday for a Tuesday calendar). Upon objection, late filing of responding and reply documents may result in striking the documents or a continuance and terms.

(4) A party applying for or responding to an application for child support, maintenance, attorney's fees, or other financial relief must serve and file with the motion a completed mandatory financial declaration form. The party shall also file and serve complete individual (or joint) tax returns for the past two calendar years together with all schedules, 1099's, W-2s, and similar statements of income; complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five per cent or greater; and all pay stubs showing income for the past six months or since January 1 of the current calendar year, whichever period is longer. If applying for child support, the party shall also prepare, serve and file Support Schedule Worksheets as appropriate. The parties or their attorneys may also file and serve a proposed Order of Child Support, provided that the proposed document be entitled "Proposed Child Support." The clerk will accept these proposals for filing, if entitled in this manner.

(5) *Judge's Copy.*

(A) A copy of all briefs, attachments and exhibits shall be provided to court administration at or before the time of filing the originals with the clerk.

(B) Each judge's copy shall be identified as the judge's copy and shall identify the date, time, and the judge or commissioner before whom the matter is scheduled to be heard in the top left-hand corner of the first page. Briefs with multiple attachments and exhibits that cannot be secured with a staple must be tabbed and in a binder.

(C) Judge's copies are not accepted by electronic means except as provided in this rule or if by order of the court.

(D) If the brief or other material does not meet these guidelines, it may not be considered.

(c) Strikes and Continuances. Parties must strike or continue all matters that will not be heard at least two court days before the hearing date, as provided in LCR 7.

(d) Submission Requirements.

(1) *Document Requirements.* All declarations and affidavits filed shall be legible

and printed or typewritten in black or dark blue ink on paper suitable for scanning. Declarations and affidavits shall be one-sided only.

(2) Page Limits.

(A) Absent prior authorization from the court as set forth in (D) below, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions, including any reply, shall be limited to a sum total of 20 pages double-spaced. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 20 pages double-spaced. The court will disregard every page after the first 20 pages if the court has not authorized the party to exceed the page limit.

(B) Exhibits Included in Page Limits. All exhibits that consist of declarations or affidavits will count toward the above page limits, unless listed in (C) below or authorized as set forth in (D).

(C) Exhibits Not Included in Page Limits. The following are not included in the 20-page limit:

- (i) financial declarations and supporting financial documents;
- (ii) declarations, affidavits, or reports from guardians ad litem and expert witnesses;
- (iii) copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience in lieu of the court file; and
- (iv) if parties and attorneys quote only the relevant parts of the e-mails, journals, or depositions in the declaration or brief and attach the full version of e-mail, journal or deposition as an exhibit for context, the full version of the materials will not count against the page limit if labeled as such for that limited purpose.

(D) Authorization. A party seeking authorization to exceed the page limit may do so on the ex parte calendar with notice to opposing counsel or a self-represented party. Opposing counsel or the self-represented party may appear telephonically for the authorization hearing.

(e) Hearings - Time for Argument. Each side may be allowed up to ten minutes to argue a contested motion, including rebuttal.

[Adopted effective September 1, 2010; Amended effective September 1, 2011; September 1, 2013; September 1, 2014; September 1, 2015; September 1, 2016; September 1, 2017; September 1, 2018; September 1, 2019; September 1, 2022; September 1, 2023.]