

LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

For “Respective Chief Judge” see LGR 29(h).

(a) Notice of Trial--Note of Issue.

(1) Assignment of Case to Judge. The clerk at filing will issue for all civil cases, except those noted in LCR 4(b), a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(2) Motion to Set Trial Date. In guardianship, TEDRA, probate, and receiverships ~~and unlawful detainer~~ matters, a motion to set a trial date shall be made before the Ex Parte Department. In all other cases not assigned to a judge, such motions shall be made to the Respective Chief Judge. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to setting the trial date. If the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Respective Chief Judge for assignment of a trial date and a case schedule.

(b) Where motions and proceedings to be noted. See LCR 7(b)(2) with respect to calendar locations and times. Except as specifically provided in other rules (see, for example, LJuCR 1.8), all motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1) Motions and Petitions Heard by the Ex Parte and Probate Department in Accordance with LCR 40.1 Even if a Judge is Assigned.

(A) Motions for Default / Default Judgment. See LCR 55 to determine whether to submit to the Ex Parte and Probate Department, to the assigned judge, or to the Respective Chief Judge.

(B) Agreed, Stipulated, and Ex Parte (i.e., does not require notice to any other party, interested person, or entity) Motions.

(i) If a judge is assigned, submit to the Ex Parte and Probate Department in accordance with LCR 40.1(b)(3), except the motion must be presented to the assigned judge if the requested order changes the trial date.

(ii) If no judge is assigned, submit to Ex Parte and Probate Department in accordance with LCR 40.1(b)(3), except the motion must be presented to the Respective Chief Judge if the requested order (a) affects the case schedule, (b) directs the clerk to seal a document or file, (c) is a protective order pursuant to LCR 26(v), (d) directs the manner in which another department or judge handles a hearing (e.g., a motion to exceed word limits or shorten time), or (e) is reserved to any other calendar by any statute, court rule, or court order.

(C) Motions for Judgement or Arbitration Award. See LMAR 6.3.

(D) Minor Settlement Petitions. Petitions pursuant to SPR 98.16 to approve the settlement of a claim on behalf of an incapacitated person or minor (even if a judge is assigned to the underlying case).

(E) Pro Hac Vice Motions.

(F) Motions for Temporary Order. Motions for civil and family law temporary or emergency restraining orders, including (1) civil protection orders where either no notice or shortened notice has been given to the opposing parties and (2) temporary restraining orders seeking relief pending a hearing on show cause.

(G) Judgments on Arbitration Awards.

(H) Show Cause Motions (Family Law). See LFLR 5(b)(1).

(I) Motions to Vacate Dismissal. This rule does not apply to motions governed by LFLR 5.

(i) When submitted along with agreed final dispositive order(s), submit to the Ex Parte and Probate Department in accordance with LCR 40.1(b)(3).

(ii) Otherwise, note before the assigned judge, or, if no judge is assigned, before the Respective Chief Judge.

(J) Motions for Temporary Restraining Order / Preliminary Injunction. See LCR 40.1(d)(13). For family law cases, see the LFLRs (Local Family Law Rules).

(2) Family Law Proceedings. See LFLR 1 and LFLR 5.

(3) Adoption Proceedings. See LCR 40.1(d)(1).

(4) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(5) Antiharassment, Sexual Assault, Domestic Violence and Vulnerable Adult Petitions. See LCR 40.1(d)(3).

(6) Motion to Vacate Conviction. These motions shall be noted before the judges to whom post sentencing motions have been assigned. The motion is to be noted pursuant LCR 7. See official comment.

(7) Proceedings to Discharge Lien as Frivolous. A new action seeking to discharge a purportedly frivolous lien shall be set before the Respective Chief Judge. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge, or, if there is no assigned judge, before the Respective Chief Judge.

(8) Marriage Age Waiver Petitions. See LFLR 19.

(9) Involuntary Treatment Proceedings. The hearings in involuntary treatment proceedings shall be heard on the involuntary treatment act calendar.

(10) Receivership Proceedings. See LCR 40.1(d)(8).

(11) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(12) Applications for Work Permits/Variations for Minors. Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Respective Chief Judge.

(13) Petitions for Writs.

(A) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(B) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the clerk's office.

(14) Motions to Approve Adult Structured Settlements. Approvals of structured settlements pursuant to Chapter 19.205 RCW shall be given a case schedule and set before the Respective Chief Judge.

(15) Motions to Quash Subpoena. Motions to quash subpoena from outside the jurisdiction shall be brought before the Respective Chief Judge.

(16) Petitions to Restore Firearm Rights. A petition to restore the right to possess a firearm shall be noted before the King County Superior Court judge to whom post-sentencing motions have been assigned if the conviction resulting in loss of the right occurred in King County Superior Court. If the conviction resulting in loss of the right occurred in a court of limited jurisdiction or the Superior Court of another county, the petitioner may file an original cause of action in King County Superior Court and the motion shall be noted without oral argument before the Chief Criminal Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. For cases in which the loss of the right resulted from an involuntary commitment, the petitioner must file an original petition in a separate cause of action and the motion shall be noted without oral argument before the Chief Civil Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. [For cases in which loss of firearms resulted in a juvenile matter refer to the Juvenile rules.] See official comment.

(17) Interpleader Actions. See LCR 22.

(18) Administrative Law Review Actions. Parties should note any requests to supplement the record or to obtain certification for direct appeal without oral argument before the Respective Chief Judge pursuant to RCW 34.05.518. Exceptions to this are Petitions Seeking Review of a Land Use decision and Appeals Of Board Of Industrial Insurance Rulings which are governed by LCR 4. If an ALR is not subject to 34.05.518, parties should file a motion before the Respective Chief Judge seeking judicial assignment and a case schedule

(19) Abusive Litigation, Motions to Restrict and for Subsequent Permission to File. See chapter RCW 26.51.

(A) When a request to restrict abusive litigation is made in a proceeding before a judge, that judge shall decide the issue and shall set the hearing required by RCW 26.51.040(2) on their own calendar. When a request is made in a proceeding before a commissioner or pro tem judge, the commissioner or pro tem may make the threshold determinations as to whether the parties have a current or former intimate partner relationship and whether there has previously been a finding of domestic violence, but shall refer determination of the ultimate issue to the assigned judge if there is a pending case, or to the Respective Chief Judge if there is no pending case or if there is no assigned judge.

(B) When a separate motion to restrict abusive litigation is filed pursuant to RCW 26.51.030(1)(c), and the underlying order for protection was obtained in this county, the motion shall be filed under the protection order cause number.

(C) When an order restricting abusive litigation has been entered, and the restricted party seeks permission to file a new case or motion pursuant to RCW 26.51.070, the restricted party shall file the request in the case in which the order restricting abusive litigation was entered, and shall provide a working copy of the request to the judge who signed the order. If

the judge who signed the order is no longer on the bench, the working copy of the request shall be provided to the Respective Chief Judge.

(20) Motion to Vacate Judgement. See LCR 60.

(21) Motions to Consolidate / Reassign Cases. See LCR 42.

(22) Requests to Waive Ex Parte via the Clerk Fees. Requests to waive fees for Ex Parte via the Clerk shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-financial/fees-payments>.

(c) Trial Dates. See LCR 40(a)(2).

(d) Trials. (Reserved)

(e) Continuances/Change of Trial Date.

(1) [Rescinded].

(2) Change of Trial Date. Unless agreed (see LCR 40(b)(1)(B)), a motion to strike or change a trial date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is filed after the Final Date to Change Trial, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f) Change of Judge. For notices of disqualification see RCW 4.12.050.

Official Comment

Petitions for certificates of rehabilitation is a term sometimes used to describe the Order Vacating Conviction (LCR 40(b)(6)) and Restoration of Rights (LCR 40(b)(16)) process, though this is no longer part of Washington state law.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010; September 1, 2011; September 1, 2012; September 2, 2014; September 1, 2015; September 1, 2017; September 1, 2018; September 1, 2022; September 1, 2023; September 1, 2025; September 1, 2026.]
