

FILED

MAR 18 2020

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

SUPERIOR COURT OF WASHINGTON IN AND FOR GRANT COUNTY

IN MATTER OF RESPONSE TO PUBLIC)	
HEALTH EMERGENCY RE:)	EMERGENCY ADMINISTRATIVE
CORONAVIRUS/COVID-19)	ORDER NO. 2
)	
)	
)	

WHEREAS, the Chief Justice of the Washington State Supreme Court issued an emergency order on March 4, 2020 in response to a public health emergency, caused by the coronavirus/COVID-19, that affects the operations of the trial courts in the State of Washington; and

WHEREAS, the Washington State Supreme Court adopted Order No. 25700-B-602, granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **Civil Matters – Court Filings.** At present time, the Clerk’s office has informed the court that the Clerk’s Office does not have the ability to accept electronic filings. Any questions regarding filing of documents with the Clerk’s office should be directed to the Clerk.

Notwithstanding, attorneys and parties (who are pro se) are encouraged to file all documents with the Clerk’s office by mail rather than file documents in person. Attorneys and parties who mail documents to the Clerk’s office should be mindful of the applicable Court Rules regarding service on an opposing party. If an attorney or party chooses to file a matter in person, such attorney or party will be required to comply with rules imposed by the Clerk’s office regarding filing matters in person, such as waiting in line to be attended by a deputy clerk.

2. **Civil Matters – Ex Parte Matters.** Attorneys and parties (who are pro se) are encouraged to file all ex parte motions and proposed orders with the Clerk’s office by mail (along with the appropriate ex parte filing fee). If an attorney or party chooses to

file an ex parte matter in person, such attorney or party will be required to comply with rules imposed by the Clerk's office regarding filing matters in person, such as waiting in line to be attended by a deputy clerk.

3. **Civil Matters – Telephonic Appearances.** At present time, the Court's recording and telephone system allows the Court to call one telephone number only. The Court is unable to conference in additional numbers. With these limitations in mind, telephonic appearance will be allowed under the following conditions:

a. **Request Procedure For Telephone Appearance:**

- i. A request to appear by telephone must be sent by email to: gcsctelerequest@grantcountywa.gov. This email is only for requests for telephonic appearances. The court will **not** respond to any questions or issues raised in the email about a court file or court procedure.
 - ii. The email request shall be submitted to the court between 9:00 a.m. and 12:00 p.m. the day before the scheduled hearing. The court will discard any email requests not submitted during this specific time frame.
 - iii. The subject line of the email must state: "Phone Appearance Request".
 - iv. The body of the email must contain:
 1. Case number and name.
 2. The title of the motion(s) to be heard.
 3. Date and time of the scheduled hearing.
 4. Name of the attorney requesting to appear by telephone, and/or name of the party, if pro se, requesting to appear by telephone.
 5. Telephone number to be used by the court to reach the party. (Only one telephone number will be allowed. The court will not call more than one number to attempt to reach a party.)
 6. A certification in substantially one of the following forms:
 - a. "I certify that I (or a person from my office) have conferred with the opposing attorney/party that I will be appearing by telephone. I contacted the opposing attorney/party and am informed they:
 will appear by telephone and I have arranged to teleconference in the opposing attorney/party once the court calls the number identified above to begin the hearing. The attorney's or party's phone number that I will be using is _____.
 will appear in person.
 will not appear."
- Or
- b. "I certify that I (or a person from my office) have made the following attempts to contact the opposing attorney/party to discuss my appearance by telephone but have been unsuccessful: [list with specificity all attempts to contact

the opposing attorney/counsel to discuss coordinating appearance by telephone]”

If the judicial officer concludes insufficient attempts have been made to contact the opposing attorney/party and the opposing party fails to appear at the hearing in person, the judicial officer hearing the matter may decide the matter based on the documents submitted, may continue the matter and/or may strike the matter from the docket.

7. The certification language above shall be included in the email as the party requesting to appear by telephone shall confer and coordinate with the opposing attorney/party **before** submitting the request to appear by telephone. The attorney/party submitting the request will be responsible for initiating the conference call to the other party(ies) who may appear by telephone once the case is called. This will eliminate multiple emails from multiple parties regarding the same matter.
8. The failure to include all the information identified above may result in the matter being decided based on the documents submitted, the matter being continued, and/or the matter being stricken.

b. Guidelines:

- i. If an attorney is involved, the attorney will use a land-line during the telephone hearing.
- ii. If a phone connection is garbled, the call will be terminated and the court will not call the number again. In such case, and in the judicial officer's discretion, the judicial officer will decide the matter based on the documents submitted to the court, will continue the hearing, and/or will strike the hearing. The party(ies) will be responsible for obtaining from the Clerk's office a copy of any order entered by the court.
- iii. The court will call the indicated number one time only. If the phone is not answered, and in the judicial officer's discretion, the judicial officer will decide the matter based on the documents submitted to the court, will continue the hearing, and/or will strike the hearing. The party(ies) will be responsible for obtaining from the Clerk's office a copy of any order entered by the court.
- iv. An attorney or party wishing to appear by telephone must be available during the entire calendar schedule until the case is called. If the court calls the indicated number and then the answering party is unable to conference in the opposing attorney/party, the judicial officer, in his or her

discretion, will allow oral argument, will decide the matter based on the documents submitted to the court, will continue the hearing, and/or will strike the hearing. The party(ies) will be responsible for obtaining from the Clerk's office a copy of any order entered by the court.

- v. Hearings with parties appearing by telephone will be heard after cases where parties are personally appearing in the courtroom.
 - vi. For any matter heard by telephone, parties must submit (preferably by mail) a working copy to the court administrator of the motion, any response, supporting materials, and proposed order. A working copy must be provided to the court administrator prior to the date the motion is scheduled to be heard. Working copies will **not** be accepted by facsimile or electronic mail. If working copies are not delivered to the court administrator with sufficient time for the judicial officer to review, the matter may be continued or stricken.
- c. **Excluded Hearings:** The following hearings are excluded from the telephonic appearance procedure identified above:
- i. Initial requests for a restraining order.
 - ii. Hearings scheduled on the Tuesday Protection Order Docket.
 - iii. Any hearing where live testimony will be taken. (As one example, if in an unlawful detainer matter a request for telephonic appearance is received and it is determined that some testimony, however brief, by either party is required, the matter will be scheduled for a new hearing date and/or stricken.)
 - iv. Dependency Docket. (Attorneys will coordinate directly with the judicial officer and opposing counsel.)
4. **Civil Matters – Domestic Child Support Matters.** All motions for child support shall be filed separate and apart from all other motions. Motions for child support will be decided by a judicial officer based solely on the written submissions without oral argument. Parties must submit (preferably by mail) a working copy to the court administrator of the motion, any response, supporting materials, and proposed order. A working copy must be provided to the court administrator prior to the Friday the motion is scheduled to be heard. Working copies will **not** be accepted by facsimile or electronic mail. If working copies are not delivered to the court administrator with sufficient time for the judicial officer to review, the matter may be continued or stricken.
5. **Civil Matters – Pending Bench Trials.** Parties may agree to continue any bench trial scheduled between the date of this Order and May 1, 2020 based on concerns regarding the Coronavirus-COVID-19. Parties can submit agreed proposed orders directly to the court administrator (preferably by mail). The court will then issue a new trial date.

If the parties are unable to agree on a continuance, a party may motion the court for continuance of a bench trial scheduled between the date of this Order and May 1, 2020

based on concerns regarding the Coronavirus-COVID-19. The motion and supporting declaration must identify the specific reasons for the continuance including whether or not a party or attorney is within the category of "High Risk People". "High Risk People" include:

- People 60 and older
- People with underlying health conditions including heart disease, respiratory illness and diabetes
- People who have weakened immune systems
- People who are pregnant

The motion will be heard without oral argument. Parties must submit (preferably by mail) a working copy to the court administrator of the motion, any response, supporting materials, and proposed order. A working copy must be provided to the court administrator prior to the Friday the motion is scheduled to be heard. Working copies will **not** be accepted by facsimile or electronic mail. If working copies are not delivered to the court administrator with sufficient time for the judicial officer to review, the matter may be continued or stricken.

6. **General Admonition to Parties.** Litigants and attorneys are encouraged to limit motions when possible and are encouraged to file only motions regarding emergent issues. Litigants and attorneys should use their best judgment in deciding whether a matter is emergent taking into consideration the current public health emergency.
7. **Working Copies.** All working copies must be delivered to the court administrator in person or by mail. If delivered in person, the working copies shall be placed in the designated basket outside of the court administrator's office.
8. The court reserves the right to modify or cancel any court calendar upon short notice to accommodate any concerns regarding courtroom crowding and to facilitate reduction in courtroom population.
9. The judicial officer presiding over a docket or matter may limit the number of parties sitting in the courtroom waiting for their matter to be called to reduce courtroom crowding and to facilitate reduction in courtroom population.

//

//

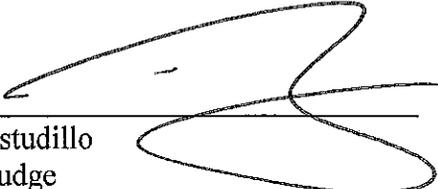
//

//

//

10. The court understands the pending public health emergency created by the Coronavirus/COVID-19 is a fluid situation that continues to develop on a daily and sometimes hourly basis. Accordingly, the court will continue to review emerging developments and may issue further administrative orders as may be necessary.

ORDER DATED: 3/18/2020



David G. Estudillo
Presiding Judge
Grant County Superior Court