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Packet Name: Making a Motion in Superior Court—Civil
Case With Assigned Judge

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King County Law Library

MAKING A MOTION IN SUPERIOR COURT

(CIVIL CASE WITH ASSIGNED JUDGE)

In King County

These instructions are for informational purposes only and do not constitute legal advice. If you do not understand this information, please contact an attorney.

If your specific situation is beyond the scope of this packet, please contact an attorney.

About this packet:

Making a *Motion* is how you ask the court to do something. For the court to do something it needs a party in the case to: make a request; give evidence to support the request; and show the court that it has the legal authority to do the thing that is being asked.

The *Motion* is the document you use to ask the court to do something. The *Declaration* is the document you use to give the court the evidence it needs to base its decision on. The *Proposed Order* is the document that you write for the judge to sign and grant your request.

A person who wants to file a *Motion* to with the court needs to:

- Complete a *Motion*
- Complete a *Declaration*
- Complete a *Proposed Order*
- Complete a *Notice of Court Date*
- File the *Motion*, *Declaration*, *Proposed Order*, and *Notice of Court Date* with the Superior Court Clerk
- Serve the *Motion*, *Declaration*, *Proposed Order*, and *Notice of Court Date* on the other party

- Have the person who served the documents complete a *Certificate of Service*
- File the *Certificate of Service* with the Superior Court Clerk

Once these steps are complete, the other party may respond to your *Motion* with a document called a *Response to Motion*, you will then have the option to write a *Reply to Response to Motion* to argue against the *Response*. Writing a *Reply* is not mandatory, you have the choice to simply wait for your hearing or the judge's decision.

The legal requirements for filing a *Motion* and serving documents on the other party are located in the Washington Civil Rules and the King County Local Civil Rules.

The King County Law Library has helpful videos summarizing and explaining the process on the Law Library's website, located here: <https://kcll.org>.

The Law Library also has helpful classes that cover the basics of civil lawsuits and things that may be helpful to consider. For more information, check the Law Library's Self-Represented Litigant (SRL) Workshop page, located here: <https://kcll.org>.

Forms included in this packet:

- A - Motion
- B - Declaration
- C - Proposed Order
- D - Certificate of Service

WARNING

- **THIS PACKET IS FOR MAKING A MOTION IN A CIVIL CASE WITH AN ASSIGNED JUDGE.** This packet is not for making a motion in Ex Parte, family law cases, or summary judgment motions.
- **YOU WILL NEED TO REVIEW THE WASHINGTON STATE COURT RULES.** The Civil Rules (CR) that apply to all Superior Courts in Washington are available in hardcopy at the Law Library and online, located at: http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=sup&set=CR
- **YOU WILL NEED TO REVIEW THE KING COUNTY LOCAL COURT RULES.** The King County Local Civil Rules (LCR) that apply to King County Superior Court are available in hardcopy at the Law Library and online, located at: <https://www.kingcounty.gov/courts/clerk/rules.aspx>

How to make a Motion in Superior Court:

Please Note:

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<https://www.kingcounty.gov/courts/clerk/rules.aspx>

Part 1 – Preparing for your *Motion*

Step 1: Do research on your issue to see if the court has the legal authority to do what you are asking for. This authority could be a statute, a regulation, a court rule, or a case.

Step 2: Become familiar with the following Washington State Civil Rules (CR):

- CR 5 “Service and Filing of Pleadings and Other Papers”
- CR 6 “Time”
- CR 7 “Civil Motions”
- CR 43 “Taking of Testimony—Evidence on Motions”

Step 3: Become familiar with the following King County Local Civil Rules (LCR):

- LCR 5 “Service and Filing of Pleadings and Other Papers”
- LCR 7 “Civil Motions”

Part 2 – Figuring out Timing

Step 1: Picking the day you want the court to hear your motion is important. If you are serving the other party in-person, your papers must be filed and served at least 9 court days before the day you pick for the hearing. If you are serving the other party by mail, your papers must be filed and served at least 12 court days before the day you pick for the hearing.

When counting the court days, you do not count the day of the hearing.

(A court day is every day except Saturday, Sunday, and court holidays. Court holidays are listed on the King County Superior Court Clerk website, located here: <https://www.kingcounty.gov/courts/clerk/hours.aspx>.)

Example

*You want your motion to be heard on Friday, March 16th.
You will need to file your papers by Monday, March 5th.*

March 2018						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
26	27	28	1 <small>St. David's Day</small>	2	3	4
5 <small>9 court days</small>	6 ←8	7 ←7	8 ←6	9 ←5	10	11
12 ←4 <small>Memorial Day</small>	13 ←3	14 ←2	15 ←1	16 <small>Hearing day</small>	17	18
19	20	21	22	23	24	25
26	27	28	29	30 <small>Good Friday</small>	31	1 <small>April Fool's Day Easter</small>

Step 2: If you need to cancel your *Motion*, remember to tell the court staff of your assigned judge and the other party.

Part 3 – Completing the Motion

When filling in the *Motion*, it's helpful to know that the person who is asking the court to do something by starting the *Motion* process is called the “moving party.” The person who is defending against a *Motion* is called the “responding party.” What the court is being asked to do is called the “relief requested.”

The document the moving party files with the court is called a *Motion*. The document the responding party files with the court to defend against the *Motion* is called a *Response to Motion*. The moving party is then allowed to have the last word and may file a document called a *Reply to Response to Motion*. But the *Reply* can only talk about issues brought up in the *Response*, it can't bring up new issues.

The *Motion* is divided into six sections. Each section plays an important part in making your request to the court. The sections are:

- 1. Relief Requested**
- 2. Statement of Issues**
- 3. Statement of Facts**
- 4. Evidence Relied Upon**
- 5. Legal Authority**
- 6. Proposed Order**

Step 1: Fill in the caption section. You will need to list the name of the county the case is being heard in, the name of the Plaintiff (the person who started the case), the name of the Defendant (the person who is defending against the case), the case number, and the title of the Motion. Pick a title for your *Motion* that describes what it will accomplish. (The title usually matches the relief you are requesting).

Example

Bob Smith is the Plaintiff in a civil case. The Defendant filed a Motion to Dismiss. Bob is required to go to a court hearing about that Motion to Dismiss on January 20. Bob's house burned down on January 5. Bob needs extra time to prepare for the hearing because all his court papers were burned in the fire.

Bob titles his Motion: Motion for Order Giving Plaintiff More Time to Respond to Defendant's Motion to Dismiss.

Step 2: The **Relief Requested** section tells the judge exactly what you need from the court to fix your problem.

Example

1. Relief Requested. *My name is Bob Smith. I ask the court to approve the following orders: to give the Plaintiff more time to respond to the Defendant's Motion to Dismiss by delaying the January 20 hearing on the Motion to Dismiss until February 20.*

Step 3: The **Statement of Issues** section tells the other party and the judge exactly what your *Motion* is for and why.

Example

2. Statement of Issues. *I ask the court to decide the following issues:*

Is there a good reason to give the Plaintiff additional time to respond to the Defendant's Motion to Dismiss?

Step 4: The **Statement of Facts** section tells the other party and the judge the basic facts that led to you making your *Motion*. It is important to be brief and to the point.

Example

- (1) *The date of the hearing has not yet passed.*
- (2) *On January 5, Plaintiff's house burned down.*
- (3) *All of Plaintiff's court papers were burned in the fire.*
- (4) *Plaintiff will not be able to rewrite his response to the Defendant's Motion to Dismiss before the date of the hearing.*

Step 5: The **Evidence Relied Upon** section tells the judge what evidence you are including with your *Motion* to show that your Statement of Facts section is truthful. The evidence is often a *Declaration* written and signed by someone under the penalty of perjury. If the evidence is not a *Declaration*, you should include a *Declaration* confirming that the evidence is what you say it is.

Example

- (1) *The attached Declaration of Bob Smith.*
- (2) *A certified copy of the fire report issued by City Fire Department.*
- (3) *Photographs of Plaintiff's burned home taken on January 6 and a supporting Declaration of Bob Smith confirming the photos are of his home and he took the photos on January 6.*

Step 6: The **Legal Authority** section tells the judge why their court has the authority to hear your type of case.

Example

5. Legal Authority. *I have the right to ask the court for these orders according to the statute(s), court rule(s), administrative regulation(s), case law, or other law listed below:*

I am making this Motion using court rule CR 6(b), which allows the court to use its discretion to order that a period of time be enlarged if the deadline has not yet passed and it is shown that there is good cause to give extra time.

Step 7: Check the number of words you have written. A *Motion* is limited to 4,200 words.

Step 8: The **Proposed Order** section is there as a reminder to you to complete and include the *Proposed Order* when you file your *Motion*. It also tells the judge that you have followed the court rule that requires you to include a *Proposed Order*.

Step 9: When you have finished writing your *Motion*, make a copy for yourself, a copy for the judge, and a copy for each party involved in the case.

Part 4 – Completing the Declaration

The *Declaration* is divided into three sections. The sections are:

- 1. Person Making Declaration**
- 2. Declaration**
- 3. Signed Under Penalty of Perjury**

- Step 1: The **Person Making Declaration** section tells the judge who is making the *Declaration*, if they are eligible to make the *Declaration*, and what relationship they have to the case.
- Step 2: The **Declaration** section is where you explain to the judge what facts or evidence you are relying on when making your *Motion*.
- Step 3: The **Signature Under Penalty of Perjury** section is where the person making the *Declaration* tells the court that what they have said in the *Declaration* is true and they understand they will be punished by the court if they lied.
- Step 4: When you have finished writing your *Declaration*, make a copy for yourself, a copy for the judge, and a copy for each party involved in the case.

Part 5 – Completing the Proposed Order

The person making the motion writes a *Proposed Order* for the judge to use. If the judge agrees with it, the judge will sign it. If they disagree with it, they may make edits to it or deny it. The *Proposed Order* is divided into six sections. The sections are:

1. **Moving Party & Motion**
2. **Hearing on Motion**
3. **Arguments & Evidence Considered**
4. **Good Cause**
5. **Findings of Fact**
6. **Order**

- Step 1: The **Moving Party & Motion** section is where you identify who made the *Motion* and what the *Motion* was for.
- Step 2: The **Hearing** section is where you identify if the *Motion* had oral argument or not.
- Step 3: The **Arguments & Evidence Considered** section is where you explain what information and evidence the court used when it made its decision.
- Step 4: The **Good Cause** section is where the court explains that it has a good reason for granting the *Motion* and issuing the *Order*.
- Step 5: The **Findings of Fact** section is where the court explains what it decided was true or untrue, based on the arguments and evidence it considered.

Example

5. Findings of Fact. *The court makes the following findings:*

- (1) *There is a hearing for the Defendant's Motion to Dismiss scheduled on January 20.*
- (2) *The Plaintiff's home burned down, destroying his court papers, on January 5.*
- (3) *It would not be possible for the Plaintiff to respond to the Motion to Dismiss in the time remaining*
- (4) *Good cause exists for giving the Plaintiff additional time to respond to the Motion to Dismiss.*

Step 6: The **Order** section is where the court gives directions to people or organizations.

Example

6. Order. *Based on the presented arguments, evidence, pleadings, and the above findings,*

IT IS ORDERED:

- (1) *The Plaintiff's Motion for Order Giving Plaintiff More Time to Respond to Defendant's Motion to Dismiss is GRANTED.*
- (2) *The hearing for the Defendant's Motion to Dismiss that is scheduled on January 20 is rescheduled for February 20.*

Step 7: When you have finished writing your *Proposed Order*, make a copy for yourself, a copy for the judge, and a copy for each party involved in the case.

Part 6 – Completing the Notice of Court Date

The *Notice of Court Date* is what tells the judge and the other party that you are making a *Motion*. It will allow the court clerks to reserve a spot for your motion on the court's hearing schedule (that is called the calendar date.) There are different kinds of *Notice of Court Date*. The following steps will help you pick the right one and fill it in:

Step 1: Go to the Forms Library page of the King County Superior Court Clerk website, located here: <https://www.kingcounty.gov/courts/clerk/forms.aspx>.

Step 2: Scroll down the list of court forms to the “Notice of Court Date/Court Hearing” section.

Step 3: Look for the *Notice of Court Date—Judges* form and pick the courthouse location that matches where your case is filed:

- If your case was filed in Seattle, the case number will end in SEA
- If your case was filed in Kent, the case number will end in KNT

Step 4: Fill in the names of the parties, the day you would like the judge to see your motion, the day of the week that will be, and the title of your *Motion*.

In the box labeled “Cases Assigned To Individual Judges”. You will need to choose if you want oral argument. Oral argument is when you show up in court to talk to the judge about your motion. In most cases, oral argument is not allowed and the judge will make a decision based on the papers you provide. If you would like to make a special request for oral argument, clearly write “ORAL ARGUMENT REQUESTED” in a very noticeable spot on the first page of your motion. If the court grants your request for oral argument, the judge’s bailiff will contact you to schedule the oral argument.

Step 5: On the second page of the *Notice of Court Date*, fill in the contact information for the other parties involved in the case.

Step 6: When you have finished filling in your *Notice of Court Date*, make a copy for yourself, a copy for the judge, and a copy for each party involved in the case.

Part 7 – At the Superior Court Clerk’s Office

Step 1: File these documents with the Superior Court Clerk:

- Original *Motion*
- Original *Declaration*
- Original *Notice of Court Date*

Step 2: Take your remaining copies of the *Motion*, *Declaration*, and *Notice of Court Date* and “conform” them:

- (a) Conforming copies means that you make them into an exact match of what the Clerk has on file.

- (b) To conform a copy, you (or the Clerk) will take the copy and date stamp the upper right corner of the first page. The date stamp will match the date the original document was filed with the Clerk.

Step 3: Deliver the judges working copies of the *Motion*, *Declaration*, *Proposed Order*, and *Notice of Court Date* to the judges' mailroom, (C-203 in the Seattle Courthouse, or 2D in the Kent Regional Justice Center)

- In the upper right corner of all judge's working copies, write the following:
 - "Working copies"
 - Date of the hearing
 - Name of the judge
 - "Presented by:" (Plaintiff or Defendant)

Part 8 – Serving the other party

Step 1: The other party must be served with a copy of the *Motion*, *Declaration*, *Proposed Order*, and *Notice of Court Date*. This can be done in-person or by mail. (Remember: if the papers are served in-person it must be done at least 9 court days before the hearing. If the papers are served by mail it must be done at least 12 court days before the hearing.)

Step 2: After the documents are served, have the person who served the documents on the other party fill out and sign the *Certificate of Service* form.

Step 3: File the completed *Certificate of Service* form with the Superior Court Clerk.

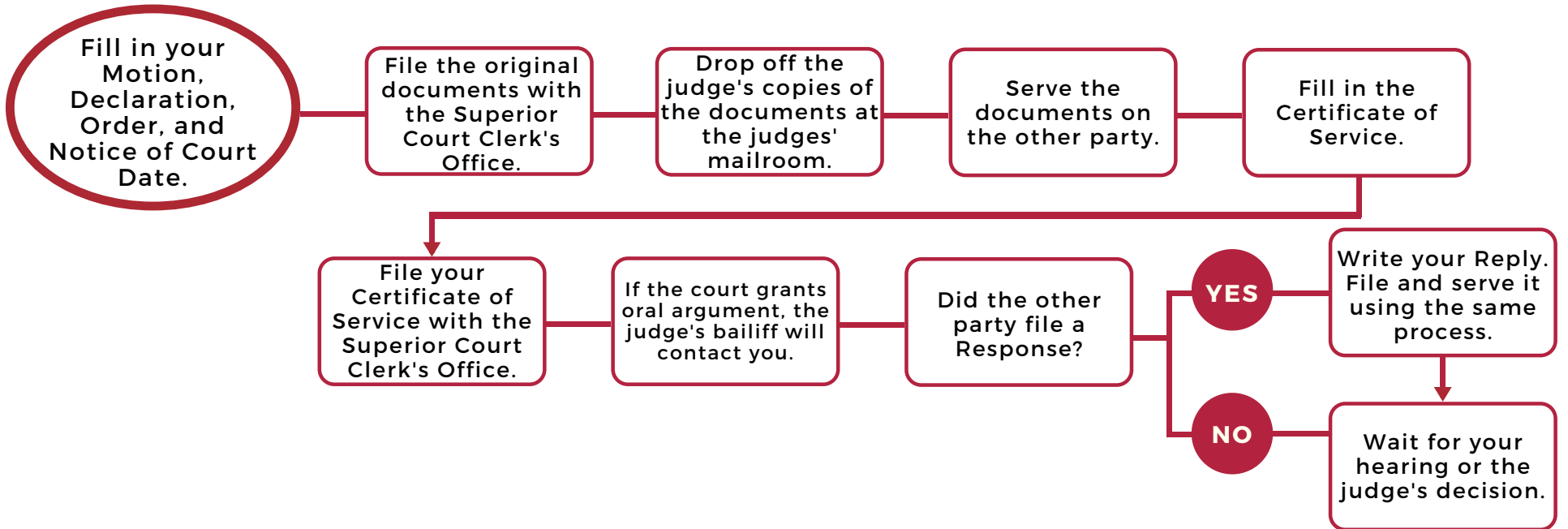
Part 9 – Replying to a Response

Step 1: If the other party wants to oppose your *Motion*, they will write a *Response*. The *Response* must be filed with the Superior Court Clerk, a copy must be served on you, and a copy must be dropped off at the judges' mailroom by 4:30 p.m. at least 4 court days before the day you picked for the hearing. The *Response* is limited to 4,200 words.

- Step 2: If you want to argue against the *Response* you can write a *Reply to Response to Motion*. But the *Reply* can only talk about issues brought up in the *Response*, it can't bring up new issues. It must be filed with the Superior Court Clerk, a copy must be served on the other party, and a copy must be dropped off at the judges' mailroom by 4:30 p.m. at least 2 court days before the day you picked for the hearing. A *Reply* is limited to 1,750 words. Include a certification at the end of your *Reply* telling the judge it meets the word limit. (Use the certification at the end of the *Motion* form as an example.)
- Step 3: When you have finished writing your *Reply*, make a copy for yourself, a copy for the judge, and a copy for each party involved in the case.
- Step 4: File the original copy of the *Reply* with the Superior Court Clerk.
- Step 5: Conform the remaining copies of the *Reply*.
- Step 6: Drop off a copy of the *Reply* at the judges' mailroom and serve a copy of the *Reply* on the other party using the instructions in Part 7 and Part 8.

MAKING A MOTION

MAKING A MOTION IN YOUR CIVIL CASE IN SUPERIOR COURT



Superior Court of Washington, County of _____

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

No. _____

MOTION FOR ORDER:

(CR 7; KCLCR 7)

1. **Relief Requested.** My name is _____. My role in this case is as follows:

Plaintiff. I am the person who started this lawsuit.

OR

Defendant. I am the person defending against this lawsuit.

I ask the Court to approve the following orders:



2. Statement of Issues. I ask the Court to decide the following issues:

3. Statement of Facts. I have provided a short and plain statement of the facts that support my *Motion* in the numbered paragraphs below:

(1) _____

(2) _____

(3) _____

(4) _____

4. Evidence Relied Upon. I ask the Court to consider the evidence that supports my facts. I have listed the evidence in the numbered paragraphs below:

(1) The attached Declaration of _____.

(2) _____



(3)

(4)

5. Legal Authority. I have the right to ask the Court for these orders according to the statute(s), court rule(s), administrative regulation(s), case law, or other law listed below:

6. Proposed Order I have attached a *Proposed Order* to this *Motion*.

Certificate

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. I have attached _____ pages. I certify that this *Motion* does not exceed the 4,200-word limit, in compliance with KCLCR 7.

Dated _____, 20_____.

Signed at _____, Washington.
(Name of city or town)

Signature of Person Making Motion

Printed Name of Person Making Motion



Superior Court of Washington, County of _____

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

No. _____

DECLARATION OF:

(RCW 9A.72.085; GR 13; CR 43;
KCLCR 7)

1. **Person Making Declaration** My name is _____. I am over the age of 18. I am competent to testify. I am making this declaration based on my personal knowledge. My role in this case is as follows:

Plaintiff. I am the person who started this lawsuit.

Defendant. I am the person who is defending against this lawsuit.

Other: _____

2. **Declaration.** I declare:

DECLARATION

RCW 9A.72.085; GR 13; CR 43; KCLCR 7

Page 1 of 3



Name: _____

Address: _____

Phone: _____

Lined area for declaration text.

DECLARATION

RCW 9A.72.085; GR 13; CR 43; KCLCR 7
Page 2 of 3



Name: _____
Address: _____
Phone: _____

3. Signed Under Penalty of Perjury. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

I have attached _____ pages.

Dated _____, 20_____.

Signed at _____, Washington.
(Name of city or town)

 Signature of Person Making Declaration

 Printed Name of Person Making Declaration



Name: _____
 Address: _____
 Phone: _____

Superior Court of Washington, County of _____

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

No. _____

[PROPOSED] ORDER:

(CR 54; KCLCR 7)

1. **Moving Party & Motion.** A *Motion for Order* _____
was filed by the following party in this case:

Plaintiff

OR

Defendant

2. **Hearing on Motion.** This *Motion* had:

No Hearing. There was no hearing on this *Motion*.

OR

Hearing Granted. Hearing held on _____, 20____.



3. Arguments & Evidence Considered. The Court considered the following arguments and evidence in making its decision:

(1) The attached Declaration of _____.

(2) _____

(3) _____

(4) _____

4. Good Cause. The Court finds good cause to approve this *Order*.

5. Findings of Fact. The Court makes the following findings:

(1) _____

(2) _____

(3) _____

(4) _____



6. **Order.** Based on the presented arguments, evidence, pleadings, and the above findings,

IT IS ORDERED:

(1) The *Motion for Order* _____ listed above in Section 1, presented by the party indicated above in Section 1, is **GRANTED**.

(2) _____

(3) _____

(4) _____

DONE IN OPEN COURT on _____, 20_____.

JUDGE / COURT COMMISSIONER

Presented by:

Signature of Person Making Motion

Printed Name of Person Making Motion



Superior Court of Washington, County of _____

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

No. _____

CERTIFICATE OF SERVICE

(RCW 9A.72.085; GR 13; CR 5)

I, _____, declare as follows:

1. Date of Service. I served the document(s) listed below on _____
_____, 20____.

2. Person Served. I served the document(s) listed below on the following person at the following address:

Name: _____

Street Address: _____

City: _____ State: _____ ZIP: _____



3. Document(s) Served. I served a true copy of the following document(s) in this case:

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

4. Method of Service. I served the document(s) listed above by:

Hand-delivery.

OR

U.S. Mail (Regular Mail). I sent the documents using regular first-class U.S. Mail with the postage prepaid.

OR

U.S. Mail (Certified Mail). I sent the documents using certified U.S. Mail, with return receipt requested, and the postage prepaid.

Certificate

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated _____, 20_____.

Signed at _____, Washington.
(Name of city or town)

Signature of Server

Printed Name of Server

CERTIFICATE OF SERVICE

RCW 9A.72.085; GR 13; CR 5

Page 2 of 2



Name: _____

Address: _____

Phone: _____