



King County Law Library

ASKING FOR A DEFAULT JUDGMENT IN SUPERIOR COURT (CIVIL CASE)

In King County

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

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

About this packet:

A default judgment is both a court order (when the court decides that the Defendant is in default) and a judgment (when the court decides what the Defendant owes the Plaintiff). A default judgment makes the person who started the lawsuit the winner of the case because the person who was being sued never responded to the lawsuit.

A response to a lawsuit can happen in three ways. Two of the ways are formal and one is informal.

The two formal ways of responding to a lawsuit are to file an *Answer* or a *Notice of Appearance* within the time allowed by the *Summons*.

The informal way is for the Defendant to take any action (except objecting to the court's jurisdiction) that recognizes that the case is in court. This informal action needs to have happened after the Defendant received the *Summons* and *Complaint* and within the time allowed by the *Summons*. Just a few examples of the informal action by the Defendant could be:

- making a phone call to the Plaintiff to talk about the case
- sending a letter to the Plaintiff about the case
- sending the Plaintiff court papers relating to the case

When the Defendant has filed an *Answer* in the case then they have “answered.” When the Defendant has filed a *Notice of Appearance* in the case or has taken one of the informal actions discussed above, then they have “appeared.”

To help decide if the default judgment process is right for your situation, review [Washington Civil Rule 55](#) for information on default judgments, or contact an attorney.

Forms included in this packet:

A - Motion for Order of Default

B - Declaration re: Service Members Civil Relief Act

C - Order of Default

D - Declaration in Support of Motion for Order of Default (Sum Certain)

E - Default Judgment (Sum Certain)

F - Declaration in Support of Motion for Order of Default (Sum Uncertain)

G - Default Judgment (Sum Uncertain)

H - Ex Parte via the Clerk Cover Sheet

I - Notice of Court Date (Judges)—Seattle

J - Notice of Court Date (Judges)—Kent

WARNING

- **IS THERE MORE THAN ONE DEFENDANT IN YOUR CASE?** This packet is intended to be used only when there is one Defendant.
- **HAS THE DEFENDANT ANSWERED OR APPEARED?** This packet is intended to be used only when the Defendant has not answered or appeared.
- **HAS IT BEEN MORE THAN ONE YEAR?** This packet is intended to be used only if it has been less than one year since the *Summons* and *Complaint* were served.
- **MAKE AN EXTRA COPY OF THE BLANK FORMS.** You may need to re-file some of the forms. Having a spare set of blank forms will be helpful.
- **HOW MANY DAYS DID THE DEFENDANT HAVE TO ANSWER THE SUMMONS AND COMPLAINT?** The usual amount of time is 20 days, but this can change depending on the type of case or how the documents were served to the Defendant. It will be written on the *Summons*.
- **YOU WILL NEED TO BECOME FAMILIAR WITH 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 BECOME FAMILIAR WITH 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>
- **YOU WILL NEED TO BECOME FAMILIAR WITH THE REVISED CODE OF WASHINGTON.** The Revised Code of Washington (RCW) is the laws of Washington. It is available on the Washington Legislature's website, located at:
<https://app.leg.wa.gov/rcw/default.aspx>