

You Want to Start a Lawsuit: Resources

Introduction

This is not legal advice.

You want to start a civil lawsuit and represent yourself. There are many considerations to a civil lawsuit—too many to address here. This guide is not intended to provide legal advice, and the legal information that it contains is not all-encompassing.

When you represent yourself in court, you are held to the same standards as a lawyer. This means you must follow court rules, and further that if you mishandle something critical, you may be subject to sanctions (for example, paying the other party's legal fees).

The best option is to hire a lawyer to represent you: they are the experts, and their expertise is worth the cost of business. But sometimes hiring a lawyer is not possible.

As of this writing (late 2023), civil lawsuits in King County Superior Court are being heard roughly two years after being filed. This guide is intended to get you to Day 1 and Day 1 only.

Using this guide

We are librarians at the King County Law Library, not practicing attorneys, so we cannot give you legal advice. To the extent that any advice can be given: it is best to not reinvent the wheel while pursuing your lawsuit. So, if you need a specific form, it's likely that someone else has already made something similar, and you can simply adapt it for your use. You don't have to write everything anew—come into KCLL and a librarian can give you relevant resources.

This guide focuses on the initial forms you need to start a civil lawsuit, and it is not a comprehensive treatise on how to effectively press your case. Instead, it is something like an annotated bibliography. Each section cites certain book chapters that, taken altogether, should paint a picture of the best way forward. If you need further resources, contact us at services@kcll.org.

Highlighted text

Throughout this guide, you will see text highlighted, either yellow or green.

Yellow text is for action items in which you may simply ask a librarian for resources.

Green text is for action items in which you must take some active role, by either researching something yourself or by writing something down

Terms and concepts

- Self-represented litigant
Someone who is representing themselves in court, without an attorney or lawyer.
- Plaintiff
The person who started the case.
- Defendant
The person responding to the case.
- Pleadings
Court forms are often called pleadings.
- Damages
Damages are the remedy to the harm you experienced. This is most often a monetary amount, compensating for your harm and sometimes also for punishing the defendant.
- Party/Parties
Parties are the people involved in the case. They are named in the lawsuit as either the plaintiff or defendant.
- Jurisdiction
The power of the court to hear and act on a case.
- Injunction/Injunctive
Courts can order that someone stop acting some way or that they do something. This is called an injunction or injunctive relief.

Table of Contents

Introduction	1
Terms and concepts	2
1) Initial Concerns	4
<i>a. Parties</i>	5
<i>b. Causes of Action/Remedies</i>	6
<i>c. Statute of limitation</i>	9
<i>d. Personal jurisdiction</i>	10
<i>e. Subject matter jurisdiction</i>	10
<i>f. Venue</i>	13
<i>g. Elements of your case</i>	13
2) Acquire Forms	15
3) Use Sample Language, Templates, and Resources to Complete Your Forms	17
4) Make Copies	20
5) Filing and Service of Process	21
6) Next: The Rest of the Lawsuit	22

1) Initial Concerns

Many self-represented litigants know the facts of their case and are eager to complete and file the initial forms. It is possible that this can be done adequately off-the-bat, but there is a risk. Court pleadings have specific requirements, and if these aren't met your case could be thrown out. As already mentioned, court cases often take multiple years, so you should start off well-informed and on the right foot.

There are many topics to consider before putting pen to paper:

a. Parties

Who may be named in the lawsuit?

b. Causes of Action/Remedies

Why are you suing, and for what?

c. Statute of limitation

Are you within the time allowed to bring your case?

d. Personal jurisdiction

Do Washington courts have power over the parties?

e. Subject matter jurisdiction

Which court decides this type of case?

f. Venue

Where in Washington can you sue?

g. Elements of your case

What are the aspects of the case that you need to prove?

a. Parties

Are you the correct person to start this lawsuit?

When you start a lawsuit, you must be the “real party in interest¹,” meaning you must be the person who has a direct interest in the outcome of the lawsuit. Certain people can start a lawsuit on someone else’s behalf (such as executors of estates and guardians of incapacitated people), but otherwise, the court assumes that the person whose name is printed on the lawsuit is who stands to benefit should the case be won. This means that you cannot start a lawsuit on behalf of someone else.

For example, if your father had a slip-and-fall accident in a supermarket, *you* cannot start a lawsuit against the supermarket, *your father* must. In addition, in this example, *you* can’t complete forms in his name—that would be unauthorized practice of law. Lawyers have the representative capacity to pursue a case for someone else, but that is not true for self-represented litigants.

Before you continue reading this guide or you put pen to paper, you need to ensure that you’re eligible to start the case at all.

Read: Washington Practice: Civil Procedure – Chapter §11:1-15

This subsection discussed who may be party to a lawsuit. It addresses the concept of “real party in interest,” as well as the similar concepts of “standing” and “capacity.”

Answer: *Are you the real party in interest? Are you eligible to start this case in your own name?*

Are you suing the government (e.g., King County or the State of Washington)?

You cannot sue the government without first filing a nonjudicial claim. Nonjudicial claims (also called “claims for damages” or “tort claims”) are a required step before you’re allowed to sue the government. You must file this with the proper administrative office and allow the government 60 days to settle your case. If you haven’t reached a settlement after 60 days, you may proceed with a lawsuit.

¹ See: Civil Rule 17(a) Real party in interest

Read: Washington Practice: Civil Procedure – Chapter 45: Actions Against the State of Washington

Read: Washington Practice: Civil Procedure – Chapter 46: Actions Against Counties, Cities, [etc.]

These chapters detail the nonjudicial claim process, as well as other processes that differ in suits against the government.

b. Causes of Action/Remedies

Why are you suing, and for what?

Court actions presume that you have an outcome in mind that you want the court to make happen. In family law, that could be a divorce. In probate law, that could mean dividing up a deceased person's estate. In your civil lawsuit: What happened to you? This is called a cause of action. What are you trying to achieve? These outcomes are called remedies.

Cause of Action

Winning a lawsuit supposes that (1) the law recognizes that you were harmed, and (2) that there is a legal solution to the harm.

It is true that you can start a lawsuit for any reason at all—perhaps you think your neighbor ought to wear only purple, and you want a court order saying as much—but your effort may fail if there is no basis in the law for what you perceive as a harm. There are many recognized legal theories from which you may start a suit, for example: breach of contract, wrongful death, assault, negligence, fraud, emotional distress...

In initial paperwork, many causes of action don't require specific language, but some do. It is important at this stage to put a name to your lawsuit action to focus your research.

Read: Washington Practice: Washington Elements of an Action

This volume has common causes of action arranged by chapter. Read the chapter headings and narrow down your potential cause(s) of action. Of those you've narrowed down, read the introductions to each chapter and decide which cause(s) of action fits your situation.

Answer: What is your cause of action? Do you have multiple causes of action?

Remedy: Damages

Now that you've put a name to what harmed you, you should consider the remedies that the law allows for your harm. Of course, the most popular remedy is money (legally referred to as damages). The law intends that through compensation, your harm may be offset.

"Compensatory damages" aim to provide this type of recovery, to make up for any economic hardship (money lost) or non-economic hardship (for example, pain and suffering). There are other types of damages, such as "punitive damages," which instead seek to punish egregiously wrong behavior by adding further damages atop compensatory damages. Certain types of damages are only available in certain circumstances.

Read: Washington Practice: Tort Law and Practice – Chapter 6. Damages

This chapter outlines the different types of damages for tort actions, and how they are calculated.

Read: Washington Practice: Contract Law And Practice– Chapter 14. Damages

This chapter outlines the different types of damages for breach of contract actions, and how they are calculated.

Read: Washington Practice: Washington Pattern Jury Instructions—Civil – Part IV. Damages

This chapter contains the Washington pattern jury instructions, which are guidelines presented to juries to decide (among other things) damage amounts. There are many categories of damages, depending on the case type. Look through this section and find a subsection that deals with your cause of action, and read how a jury would be instructed to calculate your damages.

Calculate the dollar amount of damages that you're seeking. This will be based on the evidence you currently have on hand. You must be able to fully explain the damages you're seeking, so this amount should not be inexplicably high.

Remedy: Equitable remedies

Courts can order that someone stop acting some way, or instead, the courts can order that someone take some particular action. This is called equitable relief. In a trespass action, this

might mean an “injunction” forbidding further intrusion onto certain property. In a breach of contract case, this might mean “specific performance” (essentially, forcing the deal to go through, as previously agreed upon).

Because they are tailored to a specific situation, equitable remedies are more flexible than damages, which is good, but it also means there are fewer straightforward resources available. Equitable remedies are extremely complex, so while this guide will address some aspects of their use in initial filings, you should seek legal advice from a lawyer if you intend to ask the court for an equitable remedy.

Read: Washington Practice: Rules Practice - CR 65

This chapter is the best Washington-specific resource for temporary restraining orders, preliminary injunctions, and permanent injunctions. It is long and dense, but necessary. Study the procedure and note any referenced cases.

Read: Washington Practice: Contract Law and Practice – Chapter 15. Specific Performance and Injunctions

This chapter deals with equitable remedies specifically regarding contract law.

Remedy: Declaratory judgments

It’s possible that you don’t want damages or an injunction, but instead only want the court to make clear and official the rights of the parties involved. This is called a declaratory judgment.

There must be some actual controversy at the heart of the declaration you’re seeking, meaning you can’t seek a declaration with which nobody disagrees (e.g., you can’t seek a judgment declaring that Seattle is a city in Washington, because everybody already knows that). Further, for it to be declaratory, there can’t be an enforceable objective. This means the court’s declaration might underpin some *future* litigation, but the idea is that it won’t result in action on its own.

There are few Washington-specific procedural resources for declaratory judgments. As mentioned with equitable remedies, your best bet is seeking legal advice from a lawyer with that background.

Read: Washington Practice: Civil Procedure– Chapter 42. Declaratory Judgments

This chapter is the best Washington-specific resource for declaratory judgments. Read it thoroughly if you are seeking this type of remedy.

c. Statute of limitation

Verify that you haven't exceeded your statute of limitation.

Statutes of limitation are just that: they are *statutes* (laws) that place time *limits* on certain actions. The idea is that, for example, if fifty years have gone by in a trespass case, a defendant likely cannot gather evidence—after fifty years, how could you provide evidence that you didn't trespass? —so, Washington limits trespass actions to three years. You need to look at the statute of limitation for your cause of action.

That said, statutes of limitation do not prevent you from starting a lawsuit. The Court Clerk won't deny your filings. Statutes of limitation are instead a defensive tool the other party can use to get your case dismissed before trial.

Thus, it is important for you to verify whether you're still within your limitation period, so you don't waste your time filing a lawsuit that cannot win.

Read: Washington Practice: Tort Law and Practice – Chapter 10. Statutes of Limitation

This chapter outlines the concept and cites the different limitation periods for common types of cases. Find your case type and ensure you haven't missed the cutoff.

View:

KCLL's infographic on common statutes of limitation.

Use your smartphone's camera to open the QR code and view the statute of limitations infographic, which lists commonly searched limits.



Scan to view

Answer: *Are you within your statute of limitation?*

d. Personal jurisdiction

The next consideration is whether Washington courts have power over the parties involved.

To illustrate: If someone lives in Iowa, and has always lived in Iowa, and let's say they've lived a totally isolated life in Iowa, having never left their home, never used a phone or the internet, and never interacted with anything or anyone from outside Iowa, it is unlikely that a court in Washington can make them do anything. You must establish that the parties involved in your case are subject to Washington laws and courts.

There are many ways that parties can become subject to Washington's jurisdiction: they may own a home here, or they may do business here. The basis for personal jurisdiction comes from statutes, court rules, and case law. You need to ensure that Washington courts have power over all the parties in the suit.

Read: Washington Practice: Civil Procedure – Chapter 4. Personal Jurisdiction

Read this chapter and write down the contacts that you and the defendant(s) have to Washington that allow personal jurisdiction.

Answer: *Does Washington have jurisdiction over all parties?*

e. Subject matter jurisdiction

Which court decides this type of case?

There are different types of courts found in Washington:

- Courts of Limited Jurisdiction
 - Municipal Courts (e.g., Seattle Municipal Court)
 - Small Claims Court
 - District Court

- Superior Court
- Washington Court of Appeals
- Federal court

Municipal, Appeals, and Federal courts are beyond the scope of this guide. Municipal court handles low level infractions, like traffic tickets, not lawsuits. Federal court handles a wide range of lawsuits, but that is not the focus of the county law library. Cases that are appealed to the Court of Appeals are well past the beginning stages of a lawsuit, and are also beyond the scope of this guide.

The nature of the parties in your case, your cause of action, and the damages you are seeking will help determine which court hears your case:

Small Claims: damages less than \$10,000

You want to sue someone (or a business, not the government) for monetary damages less than \$10,000.

This can be heard in Small Claims Court. For damages less than \$10,000, you can sue in District or Superior Court, but Small Claims is the preferred option because of its simplicity. Small Claims is designed to be easier than other courts and lawyer representation is not allowed.

District Court: damages less than \$100,000

You want to sue someone (or the government, or a business) for less than \$100,000.

With damages less than \$100,000, you can sue in either District Court or Superior Court. District Court is a "court of limited jurisdiction," whereas Superior Court is a "court of general jurisdiction." In this monetary range, which court you choose is your choice—however, for what it's worth, know that almost all of KCLL's resources (books, sample forms, etc.) are geared toward Superior Court.

Damages aside, there are some types of cases that cannot be heard in District Court, such as actions involving title to real property, actions for false imprisonment, and actions for libel

and slander. Check the Washington Practice chapter referenced below for a full list of actions not handled in District Court.

Superior Court: Damages more than \$300

Damages or contract disputes above \$300 can be heard in Superior Court—there is no upper limit on damages.

Superior Court has unlimited subject matter jurisdiction in civil cases.

Practical Considerations

For damages less than \$10,000, pursue your case in Small Claims. While you can file in District Court or Superior Court, these are more complicated and not as well suited to self-represented litigants.

For damages above \$10,000, pursue your case in Superior Court. You're not eligible for Small Claims, but very few resources are geared toward District Court, and Superior Court has no upper limit on damages.

This guide will mostly presume you are pursuing your case in Superior Court. If you are filing in District Court, it is possible some resources may be applicable, but you will have to check the court rules (Civil Rules for Courts of Limited Jurisdiction) to ensure that you're in compliance.

Read: A Guide to Washington State Courts:

https://www.courts.wa.gov/newsinfo/resources/index.cfm?fa=newsinfo_jury.brochure_guide&altMenu=Citi

These webpages outline which Washington Court can hear what.

Read: Washington Practice: Civil Procedure – Chapter 3. Subject Matter Jurisdiction

This chapter give a more detailed explanation of subject matter jurisdiction.

Answer: *Should you file in Small Claims, District Court, or Superior Court?*

f. Venue

In which county in Washington can you sue?

The previous two sections dealt with whether Washington courts have power over the parties and, if so, which court. Now you must determine *in which county* in Washington your case will be heard. This is your “venue.”

This might be obvious if you’re suing an individual who also resides in King County, but what if it’s a corporation based out of Yakima? It is possible that you have a choice of venue. There are statutes and court rules that determine in which county you should file.

Read: Washington Practice: Civil Procedure – Chapter 6. Venue and Change of Venue

This chapter outlines the concept of venue and cites the governing statutes and court rules. After reading, you should know in which county you are allowed to start your suit.

Answer: *Is King County the right place to file your case?*

g. Elements of your case

What do you have to prove to win your case?

Elements are aspects of your cause of action that you must prove to win a lawsuit. You can think of these as checkboxes that you will confirm with the facts that you know (and the facts you will learn later in the court process known as “discovery”).

The elements you must prove will depend on your cause of action. For example, here are the elements of a “slip and fall” (premises liability for invitee) case:

1. That the owner or occupier of the premises knows of the condition on the premises or fails to exercise ordinary care to discover the condition, and should realize that it involves an unreasonable risk of harm to invitees or customers.
2. That such owner or occupier should expect that such invitees or customers will not discover or realize

- the danger, or will fail to protect themselves against it; and
3. That such owner or occupier fails to exercise ordinary care to protect them against the danger.

You can probably tell that elements of a case are more difficult to prove than statutes of limitation, jurisdiction, and venue. Luckily, though, you do not have to specifically lay out how you meet your elements in the initial filings. The first major document (the complaint) is only required to contain a short statement showing you're entitled to relief and a demand for judgment for the relief—that's all. The initial documents are not where you prove anything, but instead are where you generally outline the situation.

If it's not usually required to address elements in your initial forms, why bother to research this now? For one thing, if your complaint is so vague as to be unactionable, the other party may move to dismiss it.² But moreover, this guide is intended to get you started on the right foot, overall. It is important to know what will be required of you.

Read: Washington Practice: Civil Procedure – §12:2-3

These two subsections summarize the amount of detail you must provide in your initial documents.

Read: Washington Practice: Tort Law and Practice – Chapter relevant to your case

This book is broken down into chapters detailing different types of actions. Find the chapter relevant to your action and read it all. Think about the elements that you can already prove, and which elements you will have to investigate further.

Read: Washington Practice: Elements of an Action – Chapter relevant to your case

This book is also organized into chapters by type of action. Find the chapter relevant to your action and read it all. Think about the elements that you can already prove, and which elements you will have to investigate further.

Answer: *What are the elements of your case?*

² See Civil Rule 12(b)(6) "Failure to state a claim"

Advanced Read: American Jurisprudence Proof of Facts– Chapter relevant to your case

This book series is also organized into chapters by type of action. It is highly specific — per Thomson Reuters it “discusses the elements of proof, practice and evidentiary considerations and defense considerations, as well as provides model discovery.” — and thus probably beyond the needs of someone simply drafting a complaint—but it could be worthwhile to understand these intricacies before embarking in litigation.

2) Acquire Forms

Depending on which court you chose in Step 2(e), there will be different sets of forms to begin your case. Small Claims Court uses a “Notice of Small Claims” to begin, whereas District Court and Superior Court use a Summons and a Complaint.

Small Claims: Notice of Small Claim

Small Claims Court is intended to be easy and thus you cannot hire a lawyer to represent you. Because it is designed to be so simple, there are fewer resources available.

The initial form in Small Claims is called a “Notice of Small Claim,” which is standardized and can be found on District Court’s website or in-person at a District Court courthouse. You should be able to write this form without outside help, so skip Step 3 of this guide.

Read: King County District Court: Information about Small Claims

<https://kingcounty.gov/en/legacy/courts/district-court/small-claims>

This is a guide made by District Court to walk you through Small Claims. It serves as a good overview and includes links to the forms as well.

Read: Washington Law Help: What is Small Claims Court?

<https://www.washingtonlawhelp.org/resource/what-is-small-claims-court>

Read: Washington Law Help: How do I sue in Small Claims Court?

<https://www.washingtonlawhelp.org/resource/small-claims-court>

These two guides are written by the non-profit Northwest Justice Project and go into more depth than the webpage from District Court. Read both to understand the entire process.

Read: Nolo: Everybody's Guide to Small Claims Court

This book is available in-library and as an eBook (access is available for free on KCLL's website). This book is not Washington/King County-specific, but it does a worthwhile job explaining what will be expected of you.

Complaint

Lawsuits in Superior Court or District Court begin with two documents: a "summons" and a "complaint."³

- The complaint alleges what happened and what should be done to rectify it.
- The summons tells the other party that a lawsuit is being filed against them and that they must respond.

There are no court/state/county-issued forms for civil lawsuits. Traditionally, these are drafted (by attorneys) one-off.

Because this is such a common request, KCLL worked with an attorney to develop a form packet called *Starting a Civil Lawsuit in Superior Court*, which contains the forms and basic instructions. We sell this in PDF and paper format. If you have never drafted legal forms before, it is worth purchasing this packet. It clearly lays out what's required, and while it's not free, you will find the filing fee with the Superior Court Clerk is hundreds of dollars, and the many other costs throughout your suit will dwarf this one-time cost.

Read: Washington Practice: Civil Procedure Chapter 7: Commencement of Action, Mechanics

This chapter is a perfect introduction into what is required to start a case.

³ Technically, in King County Superior Court, you only need to file the complaint to initiate the action (i.e., to receive a Case Number and Case Schedule Order from the Clerk), but both pleadings are required to properly proceed.

Read: Washington Practice: Civil Procedure -- §12:1-12:3

These sections detail what your complaint should include.

Read: Washington Practice: Civil Procedure Forms and Commentary-- §8:21

This section has a sample Complaint. The next section of this guide goes into more depth on writing your own complaint, but this should give you a general idea of what it will look like. Note: These are not fill-in-the-blank—you will have to format these to meet Washington General Rule 14: Format for Pleadings and Other Papers.

Buy: King County Law Library: Starting a Civil Lawsuit in Superior Court

This optional \$10 kit has fill-in-the-blank forms for starting a lawsuit, as well as basic instructions.

Summons

Washington court rules specify what verbiage the summons should contain, but it is not in a printable, fill in the blank format.

Because the language required in a summons is largely boilerplate, there are many acceptable versions available. KCLL's *Starting a Civil Lawsuit in Superior Court* packet has a summons ready to go. You may also email us at services@kcll.org to have another stock template sent to you.

3) Use Sample Language, Templates, and Resources to Complete Your Forms

Because you took good notes in Section 1 of this guide, you should be able to look at the forms acquired in Step 2 and understand what is being asked of you. It may be tempting to begin writing now, but remember: someone else has likely already drafted a well-written pleading that is perfectly apt for your situation. KCLL has books and digital versions of many sample pleadings, and checklists of what your pleadings should contain.

Note that while there are seemingly infinite sample forms to be found for free online, KCLL can't vouch for most of these. It is possible they will do what you want them to do, but for certainty's sake, it is best to investigate the below resources in-library.

Drafting the Complaint

The complaint is where you allege that you were harmed and what the remedy for the harm should be. It's not the place to provide evidence or prove how you meet all the elements of your case type, but to simply and concisely lay out the basics of your case.

Your complaint is a document in which you shouldn't reinvent the wheel, but it's also one you shouldn't hastily rush through. The idea is to look at in-library resources that are pre-drafted, so that you may simply fill in the facts relevant to your situation as necessary.

There are a few places to check for sample complaints and checklists, depending on your cause of action. Use the sample complaints and checklists referenced below to write your own complaint. Be sure that you're meeting the requirements for a complaint from Step 2.

Spend time on this document! Lawsuits last years—don't rush this first step.

Read: American Jurisprudence: Pleading & Practice Forms Annotated

This series has sample complaints and pleadings for a multitude of actions. Beyond sample pleadings, there are also checklists for what your pleadings should include. This is available digitally in-library, so that you can copy/paste or re-write.

Read: American Jurisprudence: Trials

This series also has sample complaints and checklists for a multitude of actions. This resource goes further in depth than Pleadings & Practice on the trial readiness side of things (briefs, opening statements, etc.), but its versions of sample complaints are worthwhile to read as well. This is available as a digital file in-library, so that you can copy/paste or re-write.

Read: Washington Practice: Civil Procedure Forms and Commentary - CR 57

Declaratory Judgment: *this chapter contains text of what your pleadings should contain.*

Talk to a librarian:

KCLL has many treatises for specific causes of action, such as [Medical Malpractice](#) and [Personal Injury](#). Depending on your lawsuit type, there might be an appropriate sample complaint waiting for you.

Do: Write your complaint.

Drafting the Summons

The summons is more straightforward than the complaint: it spells out how long the other party has until they must respond. You must give the defendant 20 days to respond if the defendant will be served in-state, and 60 days if they'll be served out-of-state.

Read: Civil Rule 4: Process

This is the court rule that requires 20 days for a response to an in-state summons. Read the rule and pay attention to Section (e) that talks about other situations.

Do: Write your summons.

(Optional) Injunctive relief: temporary restraining orders (TROs) and preliminary injunctions

To have an injunction granted in your favor, you will have to research a great deal to understand what is required substantively and procedurally. Washington Practice has the apt quote, “When a client needs [such] relief immediately, there is little time for research.” This is difficult territory, so finding attorney representation is the best course of action.

Read: Washington Practice: Civil Procedure Forms and Commentary - CR 65

This chapter contains text of what your pleadings should contain. Note: These are not fill-in-the-blank—you will have to format these to meet [Washington General Rule 14: Format for Pleadings and Other Papers](#).

Next, log into Westlaw at either KCLL location, open the digital version of *Rules Practice – Chapter 65*, open and read the hyperlinked cases, and then keep researching to find other injunctive cases relevant to your situation. Study these cases’ procedural histories and learn what made them successful or unsuccessful. If you need basic guidance on Westlaw usage, a librarian can help.

Ideally, you will find enough cases in Westlaw that you can then filter the jurisdiction to “Washington Division 1 Appellate Court.” Why? Our subscription to Westlaw often doesn’t include the actual court filings, but if you can find a relevant case that ended up in Division 1, you can note the original Superior Court case number, and while still in the courthouse, go to the Superior Court Clerk’s Office and (using the case number) look up the case record’s individual pleadings. Study these initial pleadings and use them as a model for your own.

Find: Pleadings from cases relevant to yours.

Using Westlaw, locate cases with similar injunctive relief to your own, filter to Washington Appellate Division 1, and use the Superior Court Clerk’s records terminals to locate the original pleadings. Use these as a model to draft your own TROs and injunctions.

Do: Write your temporary restraining order.

4) Make Copies

You will need to make copies for yourself and copies to be served on the other parties, because you will be filing the original documents with the court clerk.

You can digitally scan the original (and make copies from that) or make one copy (from which you can make later copies). There will be lots of copying throughout your case, so it is worthwhile to find a cost-effective solution now. KCLL has a self-service machine, which copies at \$0.20/page.

5) Filing and Service of Process

You have the option of either having service of process performed first, and then filing with the Court Clerk, or vice versa: filing first, and then having service of process performed. This is entirely your choice, but there are tactical considerations for each option.

Read: Washington Practice: Civil Procedure Chapter §7:1, §7:3-4

These 3 subsections were recommended earlier in this guide, but they are worth rereading to determine whether you should file or serve first.

Filing

Remember that you are filing the originals. Once they are filed, you cannot get them back (although, the Court Clerk can make a copy for you). Retain a copy for your records.

It is possible to later amend the complaint filed, but, as mentioned in Step 3, you should spend enough time with your complaint that this won't be necessary.

Service of process

Service of process is the formal process for letting someone know that they're being sued. You can't just send them a text; you must have them served. The gold standard is "personal service," where a third party (not a party in the case: your friend or a hired process server) physically hands the summons and complaint to the defendant.

While personal service is the standard, sometimes you cannot locate the defendant, or they are evading you. There is a way you may ask the court to serve by mail or publication (newspaper ad), but you must meet very particular requirements. Contact KCLL if you find yourself in this circumstance.

Watch: KCLL's video "Service of Process:" https://www.youtube.com/watch?v=LSHh0dsi_Bo

This ten-minute-long video details the concept of service of process and importance considerations for correct service.

Read: Washington Practice: Civil Procedure Chapter 8: Service of Process

This chapter gives a more academic overview of service of process. The above video might be enough, but this level of detail might be of help. It discusses service of process across all range of defendant types.

Who to serve: Government or Business Defendants

When you're suing another human being, who you have served is obvious: that person. But what if you're suing a business or the government?

Read: Washington Practice: Civil Procedure Chapter 45§9

Service of process against the State of Washington.

Read: Washington Practice: Civil Procedure Chapter 46§7

Service of process against counties, cities, and other subdivisions

Read: Washington Practice: Civil Procedure Chapter §8:8-11

Service of process against corporations, partnerships, LLCs, and other business entities.

Find who to serve: Washington Secretary of State - (360) 902-4151 - <https://ccfs.sos.wa.gov/>

The Secretary of State has records of every "registered agent" in the state. You can call them or use their website to find out who to have served.

6) Next: The Rest of the Lawsuit

You have completed your forms, filed your lawsuit, and have had the defendant served. Congratulations!

You should have received a Case Schedule Order, which gives you important deadlines ahead of your trial. These topics are each as worthy of consideration as these initial forms. A KCLL librarian can refer you to resources should you need help along your way.