

Getting a Trial Date in Cowlitz County

Is this publication for me?

Yes, if

- You have a civil case in Cowlitz County Superior Court AND
- The respondent/defendant in the case has filed a response to the petition/complaint AND
- You need to ask the court to schedule your case for a trial

❖ A **civil** case is one that is not a criminal case.

How do I get a trial date?

You must:

- fill out a special “Trial Setting/Certificate of Readiness” form
- have a copy of the form served on the other party
- file proof of service with the court
- go to court on the day the clerk told you to go for the “trial assignment docket”

What is a trial assignment docket?

It is a special time the court sets aside on its schedule. On that day and time, only cases that need trial dates appear in the courtroom. Someone from the Court Administration office is in the courtroom.

Be at the correct courtroom on time. Court Administration will call each case in the

order that it was set for trial scheduling. The Court Administration worker checks whether each case is ready for a trial date. The Court Administration person schedules and announces a trial date for each case that is ready.

There are two trial setting forms. Which do I use?

- Domestic Relations Trial Setting Notice and Certificate of Readiness – for family law cases only.
- **Civil Trial Setting Notice and Certificate of Readiness** – All other cases use this form. **DO NOT USE THIS FORM FOR A FAMILY LAW CASE.**

Where can I get these forms?

Blank versions of both forms are at the end of this publication. You can also get the forms from the clerk.

Can the court refuse to give me a trial date?

Yes, if

- The case scheduling order has not been completed
- The defendant/respondent has NOT filed a response
- The other party files an objection to the Certificate of Readiness (see next section)

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- ❖ The section of this publication called “What is a case scheduling order?” has more information.
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The other party filed an objection to my Certificate of Readiness. Now what?

If the other party has served you with an objection to your certificate of readiness, the other party is either trying to put off having a trial or they do not believe the parties have done everything the court wants done before trial.

The filing of an objection removes the case from the trial assignment docket. You may want to contact the other party and find out why they filed the objection.

If the other party has served you with an objection, review it carefully. If there is anything you have not done that the rules say you should, you must do it, if possible before your court hearing.

I am not the party who filed the Certificate of Readiness. I disagree that the case is ready for trial. What can I do?

You must

- file an Objection to the Certificate of Readiness
- serve a copy of your objection on the other party
- schedule the case on a motion calendar

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- ❖ A **motion calendar** is a morning, afternoon or day when the court only hears motions in cases. There are no trials or other matters. In Cowlitz County, there are different dockets for cases where no party has a lawyer (pro se dockets) and cases where at least one party has a lawyer (attorney dockets).
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What is a case scheduling order?

It is a schedule a judge signs of deadlines you must meet in your case. You or the other party can ask for one, OR the judge can enter it on his/her own.

The deadlines are for things you must finish before you can have a trial. What things you must finish before you can have a trial depends on the type of case. Some **examples** are:

- statements of family financial status (dissolution cases only)
- lists of witnesses you plan to call at trial
- date the court and parties must get any guardian ad litem report
- settlement conference (dissolution cases only)
- discovery (our publication called [How Do I “Do Discovery?” Help with Interrogatories and Requests for Production in Family Law Cases](#) has more information)

How do I get a case scheduling order?

You can use the form in this publication to try to get the other party to agree to deadlines. If you cannot agree to dates, you must schedule the matter on a motion docket. There is a special checkbox for case scheduling orders on the docket notice. The judge will decide what your deadlines are in the case.

You can also get the forms from the clerk.

Which case scheduling order form should I use?

It depends.

Case Scheduling Order Pro Se Domestic Relations – use this in a family law case when neither you nor the other party has a lawyer

Case Scheduling Order Domestic Relations – use this in a family law case when at least one party has a lawyer

Case Scheduling Other Civil – for all other non-criminal cases

What if I need legal help?

- Apply online with [CLEAR*Online](http://nwjustice.org/get-legal-help) - <http://nwjustice.org/get-legal-help>
or

- Call CLEAR at 1-888-201-1014

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get information on legal service providers in King County through 211’s website at www.resourcehouse.com/win211/.
- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

If you are deaf or hard of hearing, call 1-800-833-6384 or 711 to get a free relay operator. They will then connect you with CLEAR.

211 and CLEAR will conference in free interpreters when needed.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of June 2015.

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____**

In Re:

_____ ,

Petitioner,

and

_____ ,

Respondent.

No.

OBJECTION TO
CERTIFICATE OF READINESS

I am the Petitioner Respondent in this matter.

I object to the Certificate of Readiness the Petitioner Respondent filed on [date] _____, 20__ because:

- No response has been filed.
- All parties needed for a full and complete disposition of this case have not yet been Joined.
- Discovery is not complete. The following have not been heard, ruled upon or completed:
 - answers to interrogatories
 - response to requests for production
 - requests for admission
 - subpoenas to third parties (except trial subpoenas)
 - CR 35 medical examinations

- all lay and expert depositions
- all motions to compel discovery

Further dispositive motions shall be made.

This case does does not involve claims for attorney fees and costs (other than statutory).

Petitioner claims attorney fees and costs on the basis of: _____

Respondent claims attorney fees and costs on the basis of: _____

Other:

This ___ day of _____, 20__ at _____.

Signature

Print or Type Name

RULE 16.
PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) Whenever requested by a party, or at the discretion of the Court in the absence of such request and prior to obtaining a trial date, there shall be entered a "Case Scheduling Order," substantially in the form set forth below. If the parties cannot agree on compliance dates, then they shall place the matter before the Court on the appropriate Motion Calendar / Docket for entry of those dates.

(d) Except where otherwise specifically stated by court rule or court order, copies of all legal memorandums, final witness lists, exhibit index, family financial status, and all other pleadings for trial shall be submitted to Court Administration no later than three (3) court days prior to the scheduled date of trial.

16 Appendix A
Civil Case Scheduling Order

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF COWLITZ

<p>_____, Plaintiff,</p> <p>vs.</p> <p>_____, Defendant.</p>	<p>No.</p> <p>CASE SCHEDULING ORDER</p> <p>CIVIL</p>
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Based on the motion filed by Plaintiff Defendant on _____, 20_____, or in the alternative based on the Court's discretion, and the records and files herein, the Court orders the following:

Check the box if the item is applicable to the case and then indicate the required information for that item.

- BIFURCATION OR CONSOLIDATION:** All motions for bifurcation or consolidation (CR 42) shall be made by _____, 20_____

- MASTERS IN DISCOVERY:** All requests for appointment of masters in discovery matters (CR 53.3) shall be submitted by: _____, 20_____

- INTERPRETERS:** All requests for an interpreter shall be submitted in accordance with CCLCR 11 by: _____, 20_____

- LOCAL MANDATORY ARBITRATION (LMAR):
The parties have determined that MAR does does not apply.
- JOINDER OF ADDITIONAL PARTIES: Additional parties to this action, if any, shall be joined by: _____, 20_____
- AMENDMENT OF PLEADINGS:
Amendments of the pleadings, if any, shall be made by: _____, 20_____
- EXPERT WITNESSES:
All expert witness information shall be provided by plaintiff by: _____, 20_____
All expert witness information shall be provided by defendant by: _____, 20_____
Information provided shall be as required under CR 26(b)(5).
All expert witness depositions shall be completed by: _____, 20_____
- WRITTEN DISCOVERY (CR 33, 34, 36):
All written discovery (including interrogatories, requests for production, and requests for admissions) shall be submitted by: _____, 20_____
- REQUESTS FOR ENTRY UPON LAND (CR 34):
All parties shall make any requests for entry upon land for inspection and other purposes no later than: _____, 20_____
- PHYSICAL AND MENTAL EXAMINATIONS OF PERSONS:
All parties shall make any request for physical or mental examination of persons no later than: _____, 20_____
- DISPOSITIVE MOTIONS:
All dispositive motions shall be heard by: _____, 20_____
- NON-DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE:
All non-dispositive motions and motions in limine shall be heard by: _____, 20_____
- ALTERNATE DISPUTE RESOLUTION:
Alternate dispute resolution shall be completed by: _____, 20_____
- PRETRIAL ORDER:
A proposed pretrial order shall be prepared by the parties and shall be filed by plaintiff by _____, 20_____
- ALTERNATE DISPUTE RESOLUTION:
 Trial Before Referee (RCW 4.48)
 The parties have filed their consent to trial by referee with the Clerk.
 Plaintiff Defendant states that an issue of fact, namely,

- Mediation:
 The parties do not want or cannot agree on mediation.
 The parties shall complete mediation no later than _____, 20_____

- [] Arbitration:
 - [] The parties do not want or cannot agree on arbitration.
 - [] The parties shall consider entering arbitration not later than _____, 20____ (not mandatory).

[] OTHER:

Any party wishing to enforce any requirements of this order or any other matter shall note the matter for hearing on the appropriate docket. Pursuant to LCR 40(b) no trial date will be set until all the above has been complied with and the parties have filed a "Trial Setting Notice and Certification of Readiness."

Dated: _____, 20_____.

JUDGE

Presented by:

Approved as to form, notice of presentation waived:

**16 Appendix B
Domestic Relations Case Scheduling Order**

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF COWLITZ

<p>_____ , Petitioner,</p> <p>vs.</p> <p>_____ , Respondent.</p>	<p>No.</p> <p>CASE SCHEDULING ORDER</p> <p>DOMESTIC RELATIONS (Use when at least one party has an attorney)</p>
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Based on the motion filed by Petitioner Respondent on _____, 20____, or in the alternative based on the Court's discretion, and issues remain that need to be resolved, the Court orders the following:

Check the box if the item is applicable to the case, and then indicate the required information for that item.

- WRITTEN DISCOVERY (CR 33, 34, 36):**
All supplemental written discovery (including interrogatories, requests for production, and requests for admissions) shall be submitted by: _____, 20____

- DISCOVERY RESPONSES (CR 33, 34, 36):**
All discovery (including interrogatories, requests for production, and requests for admissions) responses shall be submitted by: _____, 20____

- WITNESSES:**
All primary and expert witness information shall be provided to opposing party by:
_____, 20____
All possible additional witness information shall be provided to opposing party by:
_____, 20____

- [] **DEPOSITIONS:**
All depositions shall be taken by: _____, 20_____

- [] **GUARDIAN AD LITEM (GAL) REPORT:** The Guardian ad Litem (GAL) Report shall be submitted by: _____, 20_____. [90 days after appointment and at least 60 days before trial provided an extension is not granted by the Court.]

- [] **STATEMENT OF FAMILY FINANCIAL STATUS:**
The Statement of Family Financial Status, legal memorandums, final witness lists, exhibits and index shall be submitted by: _____, 20_____

- [] **OBJECTIONS:** Objections to any exhibits based upon authenticity or admissibility shall be submitted by: _____, 20_____

- [] **JOINT STATEMENT OF PENDING ISSUES:**
The attorneys' joint statement of pending issues shall be submitted by:
_____, 20_____

- [] **OTHER:**

Any party wishing to enforce any requirements of this order or any other matter shall note the matter for hearing on the appropriate docket. Pursuant to LCR 40(b) no Settlement Conference date will be set until all the above has been complied with and the parties have filed a "Trial Setting Notice and Certification of Readiness."

Dated: _____, 20_____

JUDGE / COMMISSIONER

Presented by:

Approved as to form, notice of presentation waived:

**16 Appendix C
Domestic Relations Case Scheduling Order
For Cases Without Attorneys**

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

In re:

Petitioner,

and

Respondent.

No.

**CASE SCHEDULING ORDER
PRO SE DOMESTIC RELATIONS**
(Use when neither party has an attorney)

NOTICE TO ALL PARTIES:

All parties should make themselves familiar with the Cowlitz County Local Rules (CCLCR) as well as the Washington State Court Rules. These can be found at www.courts.wa.gov/court_rules and www.co.cowlitz.wa.us/superiorcourt. Failure to follow Court Rules may result in your case being delayed or your request not being considered.

*If you or the other parent receives public assistance (TANF and/or Medicaid) for the child(ren), you must serve or give a copy of **all** documents you file to the Prosecuting Attorney (Support Enforcement) at 1338 Commerce Avenue, Suite 305, Longview, WA 98632.*

All requirements are based on the date this order was signed by the Court, plus the noted number of days afterwards.

For example: If this order was signed on August 1st and the requirement for the GAL investigation order is to be completed “+ 60 days,” then you must complete the order for the Guardian ad Litem (GAL) investigation by October 1 (which is 60 days from August 1st).

CASE SCHEDULE

CASE #: _____

This order was signed by the Court on _____ 20_____.

****All deadlines listed below are based on this date plus (+) the additional days listed below. ****

TASK COMPLETE no later than the above date of order plus the number of days below.

<p>File a Response if you are the Respondent</p>	<p>+60 days / _____</p>
<p>Enter order for Guardian ad Litem (GAL) investigation</p> <p>*This is only required if you cannot agree who the children will live with the majority of the time, you are requesting a substantially equal residential time, or if there are serious issues (drugs, violence, etc.).</p> <p>Forms at: www.co.cowlitz.wa.us/superiorcourt/Forms</p>	<p>+60 days / _____</p>
<p>Provide the following asset and income information to the other party and Support Enforcement (if the parties receive public assistance):</p> <ol style="list-style-type: none"> 1) Last 2 years of tax returns and W-2 forms 2) Last 6 months of bank statements 3) Last 6 months of wage stubs from all jobs 4) Last 6 months of investment information (401k, retirement, pension, stocks, money market accounts, etc.) 5) Copies of all statements of contested assets/debts you want the Court to award to you or the other party (i.e., house value, vehicle values, etc.) 	<p>+90 days / _____</p>
<p>Provide the following debt information to the other party and Support Enforcement (if the parties receive public assistance):</p> <ol style="list-style-type: none"> 1) Copies of debts (mortgage, credit cards, car payment, etc.) 2) Copies of any child support orders for any of your children. 	<p>+90 days / _____</p>
<p>Propose and file a Parenting Plan and Child Support Worksheet See: https://fortress.wa.gov/dshs/csips/ssgen for help with a child support worksheet</p>	<p>+90 days / _____</p>
<p>Send a settlement letter to the other party with your proposed Parenting Plan and Child Support Worksheet.</p> <p>Make a good faith effort with the other party to settle your issues at this time.</p>	<p>+120 days / _____</p>
<p>Fill out the Statement of Family Financial Status form. www.co.cowlitz.wa.us/superiorcourt/Forms</p>	<p>+160 days / _____</p>
<p>If there are children involved, meet with courthouse facilitator or an attorney to review your final pleadings. (This can be done as soon as there is an agreement in your case.)</p>	<p>ANY TIME you have agreed final orders</p>

If you completed the above tasks AND have not settled your case, you may now schedule your case for a Settlement Conference by filling out and filing with the Clerk’s Office a Trial Setting and Certificate of Readiness order located at www.co.cowlitz.wa.us/clerk. You should mail a conformed copy of that document to the other party and the Prosecuting Attorney - Support Enforcement, if a child receives public assistance, at least two (2) weeks prior to the docket date you requested and then appear on that docket to set your matter for conference/trial. Settlement conferences are required in divorce (dissolution) cases but you may request one in any family law case.

IT IS ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS.

Dated: _____

JUDGE / COMMISSIONER

ADDITIONAL NOTICES:

- 1) You may file for additional requests (Temporary Orders, Contempt, etc.) at any time.
- 2) Forms and information are available online at www.court.wa.gov/forms and www.washingtonlawhelp.org and www.co.cowlitz.wa.us/clerk/resources and <http://www.cowlitzsuperiorcourt.us>
- 3) If you reach an agreement with the other party and the Prosecuting Attorney, Child Support Office, if it is a public assistance case, regarding all issues, you may settle your case at any time. If you reach an agreement, fill out the documents necessary to finalize your case, have all parties sign and then schedule your case for a final hearing.
- 4) If you are low-income and want assistance in this case, call CLEAR at 1-888-201-1014 (Monday through Friday, from 9:15 a.m. to 12:15 p.m.) to see if you qualify and whether legal services are available. Information about your legal rights and self-help legal packets can be found at www.washingtonlawhelp.org.

[Amended effective: September 1, 2002; September 1, 2012; January 1, 2013; September 1, 2014; and Emergency Rule Change effective January 1, 2015.]