

TABLE OF CONTENTS

Preface to Third Edition

About the Editors

PART I. INTRODUCTORY

Chapter 1.	RULE 1.	Scope of Rules	David R. Goodnight J. Will Eidson
Chapter 2.	RULE 2.	One Form of Action.....	David R. Goodnight Hunter Ferguson
Chapter 2A.	RULE 2A.	Stipulations.....	David R. Goodnight Aric H. Jarrett

PART II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS

Chapter 3.	RULE 3.	Commencement of Action.....	Jesse O. Franklin Ryan J. Groshong Aaron E. Millstein
Chapter 4.	RULE 4.	Process	Athan E. Tramountanas
Chapter 4.1.	RULE 4.1.	Process—Domestic Relations Actions.....	Athan E. Tramountanas
Chapter 4.2.	RULE 4.2.	Process—Limited Representation.....	Athan E. Tramountanas
Chapter 5.	RULE 5.	Service and Filing of Pleadings and Other Papers	Janna J. Annest
Chapter 6.	RULE 6.	Time.....	Colleen A. Harrington

PART III. PLEADINGS AND MOTIONS

Chapter 7.	RULE 7.	Pleadings Allowed; Form of Motions.....	John Ray Nelson
Chapter 8.	RULE 8.	General Rules of Pleading.....	Tobias S. Piering
Chapter 9.	RULE 9.	Pleading Special Matters	Thomas R. Merrick Nicholas G. Thomas
Chapter 10.	RULE 10.	Form of Pleadings and Other Papers	Robert D. Stewart
Chapter 11.	RULE 11.	Signing and Drafting of Pleadings, Motions, and Legal Memoranda: Sanctions.....	Michael K. Ryan Ryan J. Groshong

Table of Contents

Chapter 12.	RULE 12.	Defenses and Objections	Salvador A. Mungia
Chapter 13.	RULE 13.	Counterclaim and Cross Claim.....	Zachary Tomlinson
Chapter 14.	RULE 14.	Third Party Practice.....	Rodney L. Umberger
Chapter 15.	RULE 15.	Amended and Supplemental Pleadings.....	Daniel R. Laurence
Chapter 16.	RULE 16.	Pretrial Procedure and Formulating Issues.....	Douglas A. Hofmann James L. Robenalt

PART IV. PARTIES

Chapter 17.	RULE 17.	Parties Plaintiff and Defendant; Capacity	Ashley A. Bede
Chapter 18.	RULE 18.	Joinder of Claims and Remedies	Bryan Graff Shannon Lawless
Chapter 19.	RULE 19.	Joinder of Persons Needed for Just Adjudication.....	Ian S. Birk
Chapter 20.	RULE 20.	Permissive Joinder of Parties	Adrian Urquhart Winder
Chapter 21.	RULE 21.	Misjoinder and Nonjoinder of Parties	Adrian Urquhart Winder
Chapter 22.	RULE 22.	Interpleader	Raymond S. Weber
Chapter 23.	RULE 23.	Class Actions.....	Thomas L. Boeder Carla L. Reyes
Chapter 23.1.	RULE 23.1.	Derivative Actions by Shareholders	Thomas L. Boeder Carla L. Reyes
Chapter 23.2.	RULE 23.2.	Actions Relating to Unincorporated Associations ..	Thomas L. Boeder Carla L. Reyes
Chapter 24.	RULE 24.	Intervention	Scott M. Missall
Chapter 25.	RULE 25.	Substitution of Parties ...	Hon. Jerome J. Leveque Heidi Holland

PART V. DEPOSITIONS AND DISCOVERY

Chapter 26.	RULE 26.	General Provisions Governing Discovery	Bryan P. Coluccio
Chapter 27.	RULE 27.	Perpetuation of Testimony	Susannah C. Carr

Table of Contents

Chapter 28.	RULE 28.	Persons Before Whom Depositions May Be Taken ... Charles P. Rullman
Chapter 29.	RULE 29.	Stipulations Regarding Discovery Procedure Nicole Tadano
Chapter 30.	RULE 30.	Depositions Upon Oral Examination Raymond S. Weber
Chapter 31.	RULE 31.	Depositions Upon Written Questions Tiffany Scott Connors
Chapter 32.	RULE 32.	Use of Depositions in Court Proceedings Paul R. Taylor Joshua B. Selig
Chapter 33.	RULE 33.	Interrogatories to Parties..... Bryan P. Coluccio Megan M. Coluccio
Chapter 34.	RULE 34.	Producing Documents, Electronically Stored Information, and Things or Entry Onto Land For Inspection and Other Purposes Todd L. Nunn Bree Kelly
Chapter 35.	RULE 35.	Physical and Mental Examination of Persons Elizabeth A. McIntyre
Chapter 36.	RULE 36.	Requests for Admission Terry P. Abeyta David P. Abeyta
Chapter 37.	RULE 37.	Failure to Make Discovery: Sanctions..... Steven T. Reich

PART VI. TRIALS

Chapter 38.	RULE 38.	Jury Trial of Right Stellman Keehnel R. Omar Riojas
Chapter 39.	RULE 39.	Trial by Jury or by the Court... Stellman Keehnel R. Omar Riojas
Chapter 40.	RULE 40.	Assignment of Cases Taud A. Hume
Chapter 41.	RULE 41.	Dismissal of Actions Faye J. Wong
Chapter 42.	RULE 42.	Consolidation; Separate Trials Gabriella Wagner David M. Jacobi
Chapter 43.	RULE 43.	Taking of Testimony Tom McBride
Chapter 44.	RULE 44.	Proof of Official Record..... James L. Robenalt
Chapter 44.1.	RULE 44.1.	Determination of Foreign Law Melvyn J. Simburg James A. Jackson

Table of Contents

Chapter 45.	RULE 45.	Subpoena.....	Michael C. Subit
Chapter 46.	RULE 46.	Exceptions Unnecessary	Bertha B. Fitzer
Chapter 47.	RULE 47.	Jurors	Bertha B. Fitzer
Chapter 48.	RULE 48.	Juries of Less Than Twelve	Christopher T. Wion
Chapter 49.	RULE 49.	Verdicts	June K. Campbell
Chapter 50.	RULE 50.	Judgment as a Matter of Law in Jury Trials; Alternative Motion For New Trial; Conditional Rulings.....	Kasey D. Huebner
Chapter 51.	RULE 51.	Instructions to Jury and Deliberation	Bertha B. Fitzer
Chapter 52.	RULE 52.	Decisions, Findings and Conclusions.....	Patrick D. Brown David C. Spellman
Chapter 53.	RULE 53.	Masters [Reserved]	
Chapter 53.1.	RULE 53.1.	Referees	Bruce Winchell
Chapter 53.2.	RULE 53.2.	Court Commissioners	Hon. Kim Prochnau
Chapter 53.3.	RULE 53.3.	Appointment of Masters in Discovery Matters	Elizabeth A. McIntyre
Chapter 53.4.	RULE 53.4.	Procedures for Mandatory Mediation of Health Care Claims	Stephania C. Denton

PART VII. JUDGMENT

Chapter 54.	RULE 54.	Judgments and Costs	Michael E. Withey
Chapter 55.	RULE 55.	Default and Judgment	Vanessa Waldref
Chapter 56.	RULE 56.	Summary Judgment.....	David A. Lowe
Chapter 57.	RULE 57.	Declaratory Judgments	Timothy T. Parker Timothy J. Parker
Chapter 58.	RULE 58.	Entry of Judgment	Garth L. Jones
Chapter 59.	RULE 59.	New Trial, Reconsideration, and Amendment of Judgments	Stellman Keehnel Katherine A. Heaton
Chapter 60.	RULE 60.	Relief From Judgment or Order.....	Dana A. Ferestien Sarah E. Joye
Chapter 61.	RULE 61.	Harmless Error [Reserved]	
Chapter 62.	RULE 62.	Stay of Proceedings to Enforce a Judgment	Michael E. Ricketts
Chapter 63.	RULE 63.	Judges	Caryn Geraghty Jorgensen

Table of Contents

PART VIII. PROVISIONAL AND FINAL REMEDIES

Chapter 64.	RULE 64.	Seizure of Person or Property	Mark Wilner
Chapter 65.	RULE 65.	Injunctions	Bradley L. Fisher
Chapter 65.1.	RULE 65.1.	Security—Proceedings Against Sureties	Michael E. de Grasse
Chapter 66.	RULE 66.	Receivership Proceedings.....	David C. Neu Bradley C. Lewis
Chapter 67.	RULE 67.	Deposit in Court	Brendan J. Peters
Chapter 68.	RULE 68.	Offer of Judgment.....	Linda Kelley Ebberson Adrienne M. Finnell
Chapter 69.	RULE 69.	Execution	Ulrike B. Connelly
Chapter 70.	RULE 70.	Judgment for Specific Acts; Vesting Title.....	Frank J. Chmelik Richard A. Davis III
Chapter 70.1.	RULE 70.1.	Appearance by Attorney	Ashley A. Bede
Chapter 71.	RULE 71.	Withdrawal by Attorney	Roger J. Kindley

PART IX. APPEALS (Rules 72-76)

[RESERVED]

PART X. SUPERIOR COURTS AND CLERKS (Rules 77-80)

Chapter 77.	RULE 77.	Superior Courts and Judicial Officers.....	Gregory T. Hixson
Chapter 78.	RULE 78.	Clerks	Hon. Palmer Robinson
Chapter 79.	RULE 79.	Books and Records Kept by the Clerk	Hon. Palmer Robinson
Chapter 80.	RULE 80.	Court Reporters	Hon. Kim Prochnau

PART XI. GENERAL PROVISIONS

Chapter 81.	RULE 81.	Applicability in General	Steven D. Merriman
Chapter 82.	RULE 82.	Venue	Michael H. Runyan
Chapter 82.5.	RULE 82.5.	Tribal Court Jurisdiction	Kyme A.M. McGaw Thane D. Somerville
Chapter 83.	RULE 83.	Local Rules of Court	Gregory J. Wall
Chapter 84.	RULE 84.	Forms [Reserved]	
Chapter 85.	RULE 85.	Title of Rules [Not addressed in this Deskbook]	
Chapter 86.	RULE 86.	Effective Dates	Jeffrey L. Smoot

Table of Contents

APPENDICES

APPENDIX A.	Removal.....Stellman Keehnel Andrew R. Escobar
APPENDIX B.	Special Proceedings Rule 98.16W. Estates—Guardianship— Settlement of Claims of Minors and Incapacitated Persons.....Judith Randisi
APPENDIX C.	Electronic Discovery (e-Discovery)Todd L. Nunn Bree Kelly
Table of Cases	
Table of Rules/Statutes	
References	
Index	

INDEX TO FORMS AND CHECKLISTS
(INCLUDED ON THE CD ACCOMPANYING THIS DESKBOOK)

- Chapter 6. Time**
- (1) Stipulation and Order for Enlargement of Time
 - (2) Motion and Supporting Affidavit for Enlargement of Time Before Expiration of Period
 - (3) Order Enlarging Time Before Expiration of Period
 - (4) Motion and Supporting Affidavit to Permit Act After Expiration of Period
 - (5) Order Permitting Act After Expiration of Period
 - (6) Notice of Motion and Note for Motion Calendar General Form
 - (7) Motion and Supporting Affidavit for Order Shortening Time for Notice of Hearing Time
 - (8) Ex Parte Application and Supporting Affidavit for Order Shortening Time for Notice of Hearing
 - (9) Order Shortening Time for Notice of Hearing
 - (10) Declaration Opposing Motion to Shorten Time for Notice of Hearing
- Chapter 8. General Rules of Pleading**
- (1) Checklist of Affirmative Defenses
- Chapter 12. Defenses and Objections**
- (1) Checklist
- Chapter 26. General Provisions Governing Discovery**
- (1) Stipulated Protective Order
 - (2) Stipulated Order re: Preservation of Electronic Data
- Chapter 27. Perpetuation of Testimony**
- (1) Petition to Perpetuate Testimony
 - (2) Notice of Petition to Perpetuate Testimony
 - (3) Order Authorizing Perpetuation of Testimony
 - (4) Notice of Taking of Deposition to Perpetuate Testimony
 - (5) Motion to Perpetuate Testimony Pending Appeal
 - (6) Order Granting Motion to Perpetuate Testimony Pending Appeal
- Chapter 28. Persons Before Whom Depositions May Be Taken**
- (1) Depositions Within the State of Washington
 - (2) Affidavit in Support of Motion for Appointment of Person to Take Deposition
 - (3) Order Appointing Person to Take Deposition
 - (4) Commission to Take Testimony

Index to Forms and Checklists

- (5) Motion to Take Foreign Deposition on Commission
- (6) Affidavit in Support of Motion to Take Foreign Deposition on Commission
- (7) Order for Commission for Foreign Deposition
- (8) Motion for Letter Rogatory
- (9) Affidavit in Support of Motion for Letter Rogatory
- (10) Letter Rogatory

Chapter 29. Stipulations Regarding Discovery Procedure

- (1) Stipulation to Take Deposition Pursuant to CR 29
- (2) Stipulation for Admissibility of Deposition at Trial
- (3) Stipulation Pursuant to CR 29 for Taking Deposition Upon Written Interrogatories

Chapter 30. Depositions Upon Oral Examination

- (1) Notice of Deposition of Individual
- (2) Notice of Deposition of Corporate Party or Organization

Chapter 38. Jury Trial of Right

- (1) Plaintiff's Demand for Jury
- (2) Checklist of Questions to Consider in Deciding Whether to Demand a Jury Trial

Chapter 40. Assignment of Cases

- (1) Motion for Change of Judge/Affidavit of Prejudice Pursuant to RCW 4.12.040-.050
- (2) Declaration in Support of Motion for Change of Judge/Affidavit of Prejudice Pursuant to RCW 4.12.040-.050
- (3) Order Granting Change of Judge
- (4) Motion for Continuance of Trial Date Based Upon Absence of Evidence
- (5) Declaration in Support of Motion for Continuance of Trial Date Based on Absence of Evidence
- (6) Order Granting Continuance of Trial Date (Due to Absence of Evidence)
- (7) Motion for Continuance of Trial Date
- (8) Declaration in Support of Motion for Continuance of Trial Date
- (9) Order Granting Continuance of Trial Date (for Good Cause Shown)

Chapter 41. Dismissal of Actions

- (1) Plaintiff's Motion and Order for Voluntary Dismissal
- (2) Plaintiff's Motion for Voluntary Dismissal of Claims
- (3) Stipulation and Order of Voluntary Dismissal

Index to Forms and Checklists

Chapter 42. Consolidation; Separate Trials

- (1) Motion for Consolidation
- (2) Order for Consolidation
- (3) Motion for Separate Trial [Hearing]
- (4) Order for Separate Trial Under CR 42(b)
- (5) Stipulation and Order Consolidating Cases for
Discovery and Pretrial Proceedings

Chapter 43. Taking of Testimony

- (1) Notice of Trial Attendance

Chapter 44.1. Determination of Foreign Law

- (1) Checklist for Typical Case Involving Possible
Applicability of Foreign Law

Chapter 45. Subpoena

- (1) Subpoena
- (2) Commission to Take Deposition Outside the State
- (3) Order Granting Commission to Take Deposition
Out of State
- (4) Motion for Order Fixing Witness Fees
- (5) Order Granting Witness Fees
- (6) Petition for Issuance of a Subpoena for a
Local Deposition in a Foreign Action

Chapter 49. Verdicts

- (1) Checklist for Selecting and Using Verdict Form
- (2) Special Verdict Form

Chapter 50. Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings

- (1) Motion for Judgment as a Matter of Law
- (2) Motion for Judgment as a Matter of Law or,
in the Alternative, for a New Trial

Chapter 51. Instructions to Jury and Deliberation

- (1) Jury Instruction Chart

Chapter 53.3. Appointment of Masters in Discovery Matters

- (1) Sample Order Appointing Special Master and
Referring Discovery Matters

Chapter 58. Entry of Judgment

- (1) Judgment on Verdict

Index to Forms and Checklists

Chapter 62. Stay of Proceedings to Enforce a Judgment

- (1) Motion to Stay Proceedings to Enforce Judgment
- (2) Memorandum in Support of Motion to Stay Proceedings to Enforce Judgment
- (3) Order Staying Proceedings to Enforce Judgment

Chapter 65. Injunctions

- (1) Procedural Checklist for Injunctive Relief

Chapter 68. Offer of Judgment

- (1) Authorization to Attorney to Make Offer of Judgment
- (2) Affidavit Authorizing Attorney to Make or Accept Offer of Judgment
- (3) Offer of Judgment
- (4) Acceptance of Offer of Judgment

Chapter 69. Execution

- (1) Summary of Three Options Available for Postjudgment Discovery

Chapter 70. Judgment for Specific Acts; Vesting Title

- (1) Motion for Order Conveying Real Property
- (2) Supporting Declaration
- (3) Order for Conveyance

Chapter 70.1. Appearance by Attorney

- (1) Notice of Limited Appearance
- (2) Notice of Completion of Limited Appearance

Chapter 71. Withdrawal by Attorney

- (1) Notice of Intent to Withdraw “(Clerk’s Action Required)”
- (2) Notice of Withdrawal and Substitution “(Clerk’s Action Required)”

Chapter 82. Venue

- (1) Motion for Change of Venue
- (2) Motion for Change of Venue—Defendant’s Residence
- (3) Declaration in Support of Motion for Change of Venue—Defendant’s Residence
- (4) Order for Change of Venue—Defendant’s Residence
- (5) Motion for Change of Venue—Impartial Trial
- (6) Declaration in Support of Motion for Change of Venue—Impartial Trial
- (7) Motion for Change of Venue—Convenience of Witnesses
- (8) Declaration in Support of Motion for Change of Venue—Convenience of Witnesses

Index to Forms and Checklists

- (9) Motion for Change of Venue—Disqualified Judge
- (10) Declaration in Support of Motion for Change of Venue—
Disqualified Judge
- (11) Motion for Change of Venue—Nonresident Defendant
- (12) Declaration in Support of Motion for Change of Venue—
Nonresident Defendant

Appendix A. Removal

- (1) Notice of Removal (Diversity Jurisdiction)
- (2) Notice of Removal (Federal Question Jurisdiction)