LCR 5: SERVICE AND FILING OF MOTIONS AND RESPONSES

A. Filing and Scheduling of Motions.

Notwithstanding any provision of CR 6(d) to the contrary, a party filing any motion shall serve and file such motion no later than seven (7) court days prior to the date noted for argument on the motion; e.g., by Wednesday 5:00 p.m. of the preceding week for a Friday docket; by Monday 5:00 p.m. of the preceding week for a Wednesday docket. Motions requiring a longer period of notice pursuant to court rule or statute shall be filed as required by the applicable court rule or statute.

All documents supporting the motion shall be filed and served with the motion.

Unless other arrangements are made with the Court Administrator, all motions shall be scheduled for the appropriate Wednesday or Friday Motion Docket and heard by the Motion Judge or by the Court Commissioner. Unless other arrangements are made with the Court Administrator, hearings on any motion shall not include live testimony and argument may be limited in time.

A notice of issue or note for the motion docket identifying the nature of the motion, names of the parties, the names of the attorneys if any, and the date and time for argument on the motion shall be filed and served with the motion.

B. Response Documents

Any party opposing a motion, or any part thereof shall file all original responsive documents and serve copies upon all parties no later than 12:00 noon ~~two~~ three court days prior to the scheduled date for argument on the motion; e.g., by noon ~~Wednesday~~ Tuesday for a Friday docket; by noon ~~Monday~~ on the Friday preceding the week of the ~~for a~~ Wednesday docket.

C. Reply to Response Documents

All reply documents to the response documents as provided for in part B of this rule shall be filed and served on all parties no later than 12:00 noon ~~one~~ two court days prior to the date set for argument on the motion, e.g., by noon ~~Thursday~~ Wednesday for a Friday docket; by noon ~~Tuesday~~ Monday for a Wednesday docket. No additional documents shall be filed or served after that date and time.

D. Bench Copies

Bench copies of all motions, memoranda, responses and or replies, and all documents supporting such motions, responses or replies shall be delivered to the Judge or Court Commissioner who is to consider the motion, on the day they are filed. The name of the Judge or Court Commissioner and the date of the hearing for the matter shall be designated on the bench copies. Bench copies can be delivered in person to court administration or by email to SCAdmin@lewiscountywa.gov

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E. Affidavits and Declarations.

Affidavits and declarations in support of or in opposition to any motion or part thereof shall be made only on personal knowledge, shall set forth only such facts as would be admissible in evidence, and shall show affirmatively that the affiant or declarant is competent to testify to the specific matters set forth therein. Argument, comment, and nonexpert opinion shall be excluded from affidavits and declarations.

F. Hearing on short notice.

All orders shortening time shall include a provision for a service deadline upon the other party or parties.

G. Terms

Terms and sanctions may be imposed for failure to comply with this rule, including the striking of any documents filed in violation this rule.

(Adopted effective September 1, 2001. Amended effective September 1, 2003. Amended effective September 1, 2019)