

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
New CR 3.1 – INITIAL CASE SCHEDULE

- (a) When a summons and complaint are filed, and unless exempted pursuant to this rule, the court shall issue an initial case schedule with at least the following deadlines:
1. Initial Discovery Conference. The parties shall hold an initial discovery conference no later than 45 weeks before the trial commencement date.
 2. Discovery Plan and Status Report. The parties shall file a discovery plan and status report no later than 43 weeks before the trial commencement date.
 3. Initial Disclosures. The parties shall serve initial disclosures no later than 39 weeks before the trial commencement date.
 4. Joint Selection of Mediator, if Any. If the parties intend to jointly select a mediator, the plaintiff shall file a joint selection of mediator no later than 37 weeks before the trial commencement date.
 5. Appointment of Mediator if Parties Do Not Jointly Select. If the plaintiff does not timely file a joint selection of mediator, the court shall appoint a mediator and notify the parties and the mediator no later than 36 weeks before the trial commencement date.
 6. Notice of Compliance with the Early Mandatory Mediation Requirement. The plaintiff shall file a notice of compliance with the early mandatory mediation requirement no later than 32 weeks before the trial commencement date.
 7. Expert Witness Disclosures.
 - A. Each party shall serve its primary expert witness disclosures no later than 26 weeks before the trial commencement date.

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- B. Each party shall serve its rebuttal expert witness disclosures no later than 20 weeks before the trial commencement date.
8. Discovery Cutoff. The parties shall complete discovery no later than 13 weeks before the trial commencement date.
9. Dispositive Motions. The parties shall file dispositive motions no later than nine weeks before the trial commencement date.
10. Pretrial Report. The parties shall file a pretrial report no later than four weeks before the trial commencement date.
11. Pretrial Conference. The court shall conduct a pretrial conference no later than three weeks before the trial commencement date.
12. Trial Commencement Date. The court shall commence the trial no later than 52 weeks after the filing of the summons and complaint.
- (b) If application of subsection (a) would result in a deadline falling on a Saturday, Sunday, or legal holiday, the deadline shall be the next day in the future that is neither a Saturday, Sunday, nor legal holiday.
- (c) The party instituting the action shall serve a copy of the initial case schedule on all other parties no later than ten days after the court issues it.
- (d) Permissive and mandatory case schedule modifications.
1. The court may modify the case schedule on its own initiative or a motion demonstrating: good cause; the action’s complexity; or the impracticality of complying with this rule because of the nature of the action. At a minimum, good cause requires the moving party to demonstrate due diligence in meeting the

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requirements of the case schedule. As part of any modification, the court may revise expert witness disclosure deadlines, including to require the plaintiff to serve its expert witness disclosures before the defendant if the issues in the case warrant staggered disclosures.

2. No case schedule shall require a party to violate the terms of a protection, no-contact, or other order preventing direct interaction between persons. The court shall modify the case schedule on its own initiative or a motion to enable the parties to respect the terms of such an order.

- (e) The following types of actions are exempt from this rule, although nothing in this rule precludes a court from issuing an alternative case schedule for the following types of actions:

RALJ Title 7, appeal from a court of limited jurisdiction;

RCW ch. 4.24.130, change of name;

RCW ch. 4.48, proceeding referred to a referee;

RCW ch. 5.51, Uniform Interstate Depositions and Discovery Act;

RCW 4.64.090, abstract of transcript of judgment;

RCW ch. 6.36, foreign judgment;

RCW ch. 7.06, mandatory arbitration appeal;

RCW ch. 7.36, petition for writ of habeas corpus, mandamus, restitution, or review, or any other writ;

RCW ch. 7.60, receivership proceeding (when filed as an independent action and not under an existing proceeding);

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RCW ch. 7.90, sexual assault;

RCW ch. 7.94, extreme risk;

RCW ch. 8.12, condemnation [*Note: Citations to sources of condemnation authority may need to be expanded in a subsequent draft.*];

RCW ch. 10.14, anti-harassment;

RCW ch. 10.77, criminally insane;

RCW Title 11, probate and trust law;

RCW ch. 12.36, small claims appeal;

RCW Title 13, juvenile courts, juvenile offenders, emancipation of a minor;

RCW ch. 26.04, marriage age waiver petition;

RCW ch. 26.21A, Uniform Interstate Family Support Act;

RCW ch. 26.33, adoption;

RCW ch. 26.50, domestic violence;

RCW 29A.72.080, ballot title or summary for a state initiative or referendum;

RCW ch. 34.05, administrative appeal;

RCW ch. 36.70C, land use petition;

RCW ch. 49.12, work permit;

RCW ch. 51.52, appeal from the board of industrial insurance appeals;

RCW ch. 59.18, unlawful detainer;

RCW ch. 70.96A, chemical dependency;

RCW ch. 70.109 (sexually violent predator commitment);

RCW ch. 71.05, civil commitment;

RCW ch. 74.20, Uniform Reciprocal Enforcement of Support Act;

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RCW ch. 74.34, vulnerable adult;

SPR 98.08W, settlement of claims by guardian, receiver, or personal representative;

SPR 98.16W, settlement of claims of minors and incapacitated persons; and

WAC 246-100, isolation and quarantine.

- (f) In addition to the types of actions identified in subsection (e), the court, on a motion or its own initiative, may exempt any action or type of action for which compliance with this rule is impractical.

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