FILED

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

2020 MAY 14 PM 3:54

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH

IN RE THE MATTER OF THE RESPONSE BY SNOHOMISH COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH EMERGENCY IN SNOHOMISH COUNTY AND THE STATE OF WASHINGTON	)	NO. 2020 7010 31A
	)	EMERGENCY ORDER #8 RE: COURT OPERATIONS

WHEREAS on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency under Section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19, and

WHEREAS on February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19), and

WHEREAS on March 1, 2020, President Donald J. Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, and

WHEREAS on March 23, 2020, in response to the Covid 19 emergency, Governor Jay Inslee issued a proclamation prohibiting all people in Washington from leaving their homes, except to conduct or participate in essential activities. In complying with the prohibition, lawyers, litigants, and witnesses will be unable to attend court for nonessential hearings unless by means of a system for telephonic or video appearance, and

WHEREAS on March 24, 2020, Snohomish County Executive Dave Somers signed Emergency Executive Order No. 20-04, stating, "all people in Snohomish County shall immediately cease leaving their home or place of residence except (1) to conduct or participate in essential activity and/or for employment in essential business services," and

WHEREAS on April 2, 2020, Governor Jay Inslee extended the terms of his March 23, 2020 proclamation to May 4, 2020, and

WHEREAS on April 10, 2020, Governor Jay Inslee issued Proclamation 20-45 changing the requirements for time and service concerning protection orders under 7.90, 7.92, and 7.94 RCW, 10.14 RCW, 26.09 and 26.50 RCW, and 74.34 RCW, and

WHEREAS on May 10, 2020, Proclamation 20-45 was not extended and terminated by operation of law, and

WHEREAS on April 16, 2020, Governor Jay Inslee issued Proclamation 20-19.1 suspending until June 4, 2020 unlawful detainer actions on residential properties unless necessary to respond to a significant and immediate risk to the health or safety of others created by the resident, and

WHEREAS on May 4, 2020, Governor Jay Inslee issued Proclamation 20-25.3, extending until June 1 the prohibitions relevant to this order, and

WHEREAS obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person, and

WHEREAS public health dictates that, at least through June, 2020, the court take certain measures,

NOW THEREFORE, it is hereby ORDERED, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-607 and the authority of the Presiding Judge of the Snohomish County Superior Court, that the following shall be in effect May 14, 2020:

Masks Required

1. Effective May 18, 2020, any person over the age of two (2) who shall enter a Snohomish County Superior Court courtroom or the Administrative Offices for the Snohomish County Superior Court MUST wear a mask or covering over the person's mouth and nostrils unless: (1) a medical provider has determined that the health or safety of the individual is at risk by wearing a mask or cloth face covering or (2) there is any other compelling reason in the Court's discretion to waive the requirement. Any person unable to wear a mask or face covering because of a disability (as defined by the Americans with Disabilities Act) may go to the ADA Accommodation webpage https://www.snohomishcountywa.gov/509/ADA-Accommodations or may contact Lisa Galvin at Court Administration at (425) 388-3369 to request assistance with an accommodation under the ADA. Failure to wear such a covering may result in the person being denied entry into those locations. Members of the public must bring their own masks or face coverings; Superior Court will not provide masks or coverings to members of the public. Parents must ensure their minor children over the age of two (2) are wearing masks.

Civil Trial Call

2. All civil jury trials are SUSPENDED until at least August 31, 2020. Beginning June 1, 2020, civil bench trials may proceed remotely, provided technology permits. In this event, attorneys, parties, and witnesses shall participate by telephone, Zoom video, or by telephone through Zoom, in accordance with a Zoom protocol which will be available on the Snohomish County Superior Court website. Civil trial call will take place remotely, unless impossible, through Business Skype in accordance with a protocol which will be available on the Snohomish County Superior Court website. Any party, attorney, or witness who cannot appear via Zoom for trial or via Business Skype for Civil Trial Call may appear in person, except that the person must comply with such safety measures as the Court requires.

3. Any civil jury trial currently set before August 31, 2020 and any civil bench trial currently set before June 1, 2020 must be timely confirmed in accordance with the confirmation rule in order to receive a new trial date. Any civil bench trial currently set for June 1, 2020 or afterward which can proceed remotely may be assigned out to trial on the date set. All lawyers, parties, litigants, and witnesses shall not attend in person but shall participate through Zoom video or telephonically on Zoom unless it is impossible for them to appear at least telephonically or unless an order permitting such person to attend in person is entered by the Court. Civil trials which cannot proceed remotely shall be CONTINUED in the ordinary course. Any civil case that is not timely confirmed consistent with the confirmation rule will be stricken. Any party may then file a new note for trial setting. All timely confirmed civil bench trials, other than those on petitions for vulnerable adult protection orders, sexual assault protection orders, and extreme risk

protection orders, will be continued to a new trial date after June 1, 2020 if it cannot proceed remotely. The Court finds exceptional circumstances to continue all dependency fact finding hearings beyond the statutory 75-day period and, at this time, all dependency fact finding hearings shall be continued to the next available date after June 1, 2020.

Criminal Matters

4. Continuances and Time for Trial

   a. All pending criminal jury trials are CONTINUED until after July 5, 2020.

   b. All criminal bench trials are CONTINUED until after June 1, 2020.

   c. The Court further finds that the ends of justice and the imperative of safety served by continuing these cases outweighs the defendant's right to a speedy trial. All pending criminal trials require a continuance in the administration of justice.

   d. Based upon the Court's finding that the serious danger posed by COVID-19 is good cause to continue and also constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time between March 13, 2020 and September 1, 2020 or any new trial date before then, whichever comes first, shall be EXCLUDED for purposes of calculating time for trial under CrR 3.3(e)(3) and (8) and pursuant to the Supreme Court's Revised and Extended Orders Regarding Court Operations, 25700-B-615, dated April 13, 2020 (the April 13 Supreme Court Order) and 25700-B618, dated April 29, 2020 (the April 29 Supreme Court Order). Time for trial for cases set under this provision shall not expire before September 30, 2020, and to the extent that time for trial exceeded thirty days at the time of the continuance, it shall also extend beyond September 30, 2020.

e. For all criminal trials previously continued without a waiver pursuant to any Snohomish County Superior Court emergency order prior to April 20, 2020, May 5, 2020 shall be the new commencement date for purposes of calculating time for trial under CrR 3.3(e)(3) and (f)(2) and pursuant to the April 13 and April 29 Supreme Court Orders, except any such cases that have trial dates set before July 2 shall be continued in accordance with this order.

f. For all criminal trials continued with a waiver, the new time for trial will be in accordance with the order of continuance. For all waivers of time for trial in lieu of an express waiver for trial, the Court will accept a written attestation from defense counsel that the defendant understands and wishes to waive his or her right to time for trial.

g. Through September 1, new trial settings at arraignment or return on warrant shall be set in accordance with a commencement date of September 1 regardless of when the trial setting hearing takes place. Time for trial shall not run out for in-custody cases before October 30, 2020, nor for out-of-custody cases before November 29, 2020.

5. Criminal Hearings and Criminal Motions

a. Through May 15, 2020, all out-of-custody defendant matters to be heard on the Criminal Hearings Calendars in Department 304 shall be stricken. Out-of-custody defendants need not appear `prior to June 1, 2020. The cases will be called, the non-appearance will be noted. The Court will authorize no bench warrants for failures to appear at any trial call calendar until June 1, 2020. For purposes of this order, "defendant" means adult criminal defendant.

b. The court will hear criminal hearings in C304, C201, and Department 12 beginning the week of May 18, 2020. The criminal hearing schedule will be posted on the Superior Court's website and a copy of that schedule is attached hereto.

c. Beginning Friday, May 22, 2020, criminal trial call will take place in C304 on Fridays at 9:30 a.m. No jury trials will be assigned out before July 2. No criminal bench trials will take place prior to June 1, 2020. The court will hear agreed continuances at 9:30 AM on Fridays and encourages the parties to submit agreed continuances before then. Contested motions to continue will not be heard on the criminal trial call calendar but must be heard on a different criminal hearings or criminal motions calendar. If it is apparent that the trial needs to be continued due to this Emergency Order and the parties are not in agreement with a continuance, the prosecuting attorney should file a motion to continue the trial on a criminal hearings or criminal motions calendar and not on the criminal trial call calendar.

d. Beginning the week of May 18, 2020, extended criminal motions will be scheduled as follows: An attorney or party who has a motion that will require more than 10 minutes of court time shall complete a Criminal Calendar Note that will place the matter on a Friday 3pm Criminal Motions Call Calendar in C304. Motions must be filed with a minimum of five (5) days notice. A mandatory form Calendar Note will be posted on the court's website for this purpose. The Calendar Note will identify a preferred and an alternate date and time for the motion to be heard the week following the Criminal Motions Call Calendar. The Calendar Note must be filed and served on all parties and sent to the criminal hearings email (hearings.ssc-

criminal@co.snohomish.wa.us) not less than 5 days before the Friday Criminal Motions Call Calendar. By filing a Calendar Note, the attorney/party represents to the Court that the initial briefing necessary for the matter has been filed, that all parties and witnesses necessary for the hearing are available, that all necessary briefing will be complete by the Criminal Motions Call Calendar, and that the attorney/party will provide working copies of all briefing to the Court at the Criminal Motions Call Calendar. The law clerk monitoring the criminal hearings email will tentatively schedule matters into a requested hearing slot. Where there are scheduling conflicts, the law clerk will notify the affected attorneys/parties. The requested date, time and location for a hearing will not be confirmed until the Friday 3:00pm Criminal Motions Call Calendar. Unless otherwise directed, a defendant is not required to appear at the Criminal Motions Call Calendar, but defense counsel must notify the defendant when and where to appear for the subsequent motion hearing. The court will set no omnibus hearings as a matter of course until further notice. The parties are encouraged to submit agreed omnibus orders ex parte. Either party may note a matter for omnibus on any criminal hearings calendar in C304.

e. Parties wishing to note a matter in C304 may e-mail a scheduling request to the criminal hearings e-mail, at hearings.ssc-criminal@co.snohomish.wa.us. The e-mail must state in the subject line the date and time requested for the hearing.

f. The 1:00 PM video calendar will take place in C304 Monday through Friday and shall be limited to 20 defendants. In-custody arraignments, in-custody CSV

matters, and in-custody motions to review bail upon proper notice or by agreement of the parties may all be scheduled on the video calendar.

g. Motions to vacate and motions for certificates of discharge shall be heard on the pleadings only unless a criminal hearings judge requires telephonic argument.

h. The Court sitting in C304 will hear no RALJ matters. Ex-parte agreed orders re-setting dates or requesting assignment may be presented to a criminal hearings judge.

i. The Court may hear in-custody criminal matters by audio-video means. The defendant need not be transported.

6. If an in-custody defendant must be transported to a hearing in a criminal hearings courtroom, that hearing may only be scheduled to start at 9:00 AM, 10:00 A.M., 11:00 AM, 2:00 PM, or 3:00 PM. To support sound public health practices by the Corrections transport officers, likely no more than six (6) in-custody defendants will be transported for any one of the six identified time slots. An in-custody defendant may be transported for a matter in a criminal hearings courtroom as may be scheduled in accordance with the Criminal Hearings Restart Schedule. The schedule will be posted on the Superior Court website.

7. Until further order of the Court, special set sentencings for out-of-custody defendants will be continued to a date after June 1, 2020, to be arranged with the Judge's law clerk assigned to that special set sentencing.

   a. In-custody special set sentencings may be heard in Dept. C201 on the 3:00 calendar, on the C201 1:00 calendar Monday through Thursday, or on the

Department 12 1:00 calendar Monday through Friday. The originally assigned judge may also choose to hear it at a different time.

b. An attorney representing a criminal defendant in a hearing that may result in the defendant being released from the Snohomish County Jail should advise the Presiding Judge of this a minimum of one (1) day prior to the hearing so the Presiding Judge can attempt to assign the matter out to a particular department, if there is no availability to hear it in C304, in C201, or Department 12. If the matter cannot be heard in any of the criminal hearings courtrooms, the time of the hearing will be dependent on the schedules of the judge, the attorneys, and transport.

c. With regard to continuances, the following rules shall apply until further order of the Court:

    i. An order continuing a criminal case need not be signed by the defendant to be approved, provided it sets a trial within the time for trial set out above or, if set for trial beyond the time for trial set out above, if the defense attorney attests that he or she has reviewed the time for trial rights with the defendant, the defendant acknowledges understanding of those rights, and the defendant agreed to those dates in the order.

    ii. Defense counsel shall provide notice of new court dates to their clients.

    iii. The Prosecuting Attorney's Office shall summons all pro se defendants for new court dates.

    iv. Attorneys shall be permitted to sign any orders through digital signature, in accordance with SCLGR RULE 30.A - Digital Signatures.

Commissioner Matters

8. The following rules shall be in effect until further order of the Court.

a. Family Law Domestic Motions calendar

The family law domestic motions calendar will be limited to a maximum of 16 confirmed cases. Parties whose cases will not be heard due to exceeding the limit may agree to a new hearing date. Otherwise, their matters will need to be renoted. Parties should anticipate that contempt motions and motions related to primary care of children will have priority.

Hearings will be on submitted materials and without oral argument unless the judicial officer will have directed the parties to present telephonic oral argument. Parties may check the Odyssey portal after 5:00 p.m. two days before the hearing to learn whether they are expected to present telephonic oral argument. Parties may also be told by the confirmations clerk the judicial officer will expect telephonic argument. Any telephonic argument will be via CourtCall. Parties required to participate by CourtCall must call into CourtCall and be available just as if they were present in Court. To schedule an appearance with CourtCall, a party must follow the procedures set out in 10(a), below. Failure to do so may be grounds to strike the hearing or proceed without the participation of any missing party.

The moving party shall provide a signed proposed order to the court prior to the hearing. Failure to do so may result in the matter being stricken.

b. Guardianship

All matters other than petitions for new guardianships on the Guardianship/Probate calendars shall be done without oral argument absent request by the court. This calendar shall be limited to a total of fourteen (14) confirmed cases, subject to the rules set forth above. Failure to provide a signed proposed order may be grounds for the Court to strike the hearing

Petitions for new guardianships will be heard telephonically on CourtCall. Parties shall call in to CourtCall and be available on CourtCall just as if they were present in court. To schedule an appearance with CourtCall, a party must follow the procedures set out in 10(a), below. Failure to do so may be grounds to strike the hearing or proceed without the participation of any missing party.

The moving party shall provide a signed proposed order to the court prior to the hearing. Failure to do so may result in the matter being stricken.

c. Ex Parte

Petitions for vulnerable adult protection orders, sexual assault protection orders, extreme risk protection orders, domestic violence protection orders, and anti-harassment protection orders must be electronically submitted to the Court per instructions posted at https://snohomishcountywa.gov/PO , except where the petitioner lacks the means to do so. No other requests for relief will be accepted electronically. The Clerk's Office shall defer any statutorily required filing fee for new petitions for protection orders filed electronically and shall collect no filing fees until after the return hearing. The petitioner may receive the resulting order by e-mail and may request a certified copy be mailed.

Persons seeking ex-parte emergency relief in essential matters who lack the means to do so electronically may submit their pleadings by sliding them under the door to room C125 on the first floor of the courthouse. Essential matters include petitions for vulnerable adult protection orders, sexual assault protection orders, extreme risk protection orders, domestic violence protection orders, and anti-harassment orders. A judicial officer will consider the pleadings in chambers and decide whether or not to grant an order and set a return hearing. The signed order will be returned to the Court facilitator's office for distribution to the petitioner. If the petition is granted, the facilitator will also provide the temporary order to law enforcement for service, except in the case of anti-harassment orders.

Persons moving for emergency contempt and for immediate relief relating to children may place their motions in a basket in Court Administration, room 5-5620 on the fifth floor of the courthouse. The motion shall comply with CR 65 notice requirements. If the motion is for the immediate change of custody, the moving party shall provide his or her telephone number and the telephone number of the opposing party if it is known. The Court may hear telephonic argument prior to ruling. A judicial officer will consider the motion and determine whether or not to grant interim relief and set a hearing. The person seeking the order may leave an e-mail address where a scanned version of the Court's order granting or denying relief may be sent. The moving party may also supply a self-addressed stamped envelope for return of the signed order for service on the non-moving party.

Parties with agreed orders in essential matters that require approval sooner than the ex-parte mail service will allow may place their agreed orders in a designated basket in room C123 on the first floor of the courthouse.

Petitioners and moving parties are strongly encouraged to return home to await electronic notice of the outcome of their requests. Petitioners and moving parties without means to receive orders electronically may remain in the courthouse pending the judicial officer's decision.

d. Civil Motions

The Commissioner Civil Motions Calendar will proceed as prior to emergency orders except that:

i. The judicial officer will review matters on the written materials submitted. If the judicial officer requires telephonic oral argument, the parties may learn this by checking the Odyssey portal at https://odysseyportal.courts.wa.gov/odyportal after 5:00 p.m. on the last day of the confirmation period. Any telephonic oral argument will be via CourtCall. To participate via CourtCall, one must follow the procedures set out in 10(a), below. Failure to do so may result in the matter being stricken or heard without a party's participation. Moving parties shall submit a proposed order with their working copies. Failure to do so may be grounds to strike the matter.

ii. Pursuant to Governor's Proclamation 20-19, the Court will not hear unlawful detainer actions for default payment of rent for residential property, and nor shall it hear actions on writs of restitution involving a

dwelling where the allegation is a failure to timely pay rent. All actions for commercial unlawful detainer will remain on the Commissioner Calendar. Pursuant to amendment to Governor's Proclamation 20-19, the Court will not hear any actions for residential ejectment or unlawful detainer until June 4, 2020, except in those cases where the resident poses a significant and immediate risk to the health or safety of others. Those actions for residential ejectment or unlawful detainer actions not forbidden by the Governor's proclamation or amendments thereto will be heard in Department 10 at 9:00, telephonically and without CourtCall, and not in person except that any party who cannot participate telephonically may participate in person. To participate telephonically, parties must follow the procedures set out in the addendum provided at the motion for show cause.

iii. The Court will hear no more than three (3) petitions for restoration of firearm rights on a single day, except the Court will consider any number of agreed orders to restore firearm rights. Agreed orders may be submitted electronically or through the mail for the Court's consideration without a motion or calendar note.

e. Finalization of Dissolution Actions

i. Cases on the pro se dissolution calendar shall be heard on the materials submitted and without oral argument. A party seeking to enter final orders shall present evidence by declarations or affidavits in lieu of testimony, in the form directed by the court and available on the court website.

Litigants shall provide agreed or default orders to the court by noon at least one (1) day prior to the hearing. Failure to do so may result in the hearing being stricken.

ii. Attorney-involved default/agreed dissolutions, legal separations and invalidity actions shall be set by calendar note on Thursdays in Department A at 1:00 pm. A party seeking to enter final orders shall present evidence by declarations or affidavits in lieu of testimony in the form directed by the court and available on the Court's website. Agreed orders must be provided to the court by noon at least one (1) day prior to the hearing. Failure to do so may result in the matter being stricken. Any matter on this calendar must be confirmed in accordance with existing local court rules.

f. Interpreter calendars.

Interpreter calendars shall be conducted telephonically via CourtCall. Parties participating by CourtCall shall follow the procedures in 10(a), below. Interpreter calendars shall be limited to a total of four hearings per calendar unless, in the discretion of the Court Commissioner, the number of hearings for a particular calendar can be expanded. Parties should anticipate that petitions for anti-harassment orders, domestic violence orders, contempt matters, and emergency parenting plan matters will have priority. Anti-harassment orders and domestic violence orders need not be confirmed and will have priority. All other matters must be confirmed.

If the total number of cases on a calendar exceeds four matters, then the judicial officer will continue contempt and emergency parenting plan matters to the next available date unless he or she decides to expand the number of cases on the calendar. If more than four anti-harassment and/or domestic violence matters are set, the Commissioner will set the additional matters to the next available date, not to exceed fourteen (14) days out, unless he or she decides to expand number of cases on the calendar. A copy of the ex-parte order continuing the hearing and extending the restraints will be mailed to the parties or their attorneys at the address provided to the court if all parties have been properly notified of the hearing dates set. If not, service may be made through law enforcement. Mailing of the order shall be deemed effective service.

g. Weapons surrender hearings shall proceed as usual.

h. Effective May 26, 2020, all special set hearings and extended hearings shall begin through use of CourtCall with use of the process identified in paragraph nine (9) below.

i. Matters on the State paternity calendar will resume on May 4, 2020 on CourtCall.

j. All Guardian Ad Litem compliance hearings will be heard on the written materials submitted, without oral argument.

k. Parties should refer to the Snohomish County Superior Court website for updates or modifications to court procedures.

Telephonic or Video Hearings

9. The Court will conduct no hearings at the main courthouse in which lawyers, litigants, or witnesses shall be heard while attending in-person, except in essential cases in which a lawyer, litigant, or witness is unable to attend telephonically or where measures may be taken to foster public health in accordance with generally accepted principles. Essential cases include criminal or offender matters and petitions for domestic violence protection orders, anti-harassment orders, temporary immediate restraining orders, extreme risk protection orders, vulnerable adult protection orders, and sexual assault protections orders and show cause actions under 59.12, 59.18, and 59.20 RCW where the petitioner is unable to attend telephonically. For all other hearings for which persons would otherwise appear in person, persons will instead appear telephonically. Telephonic appearances in the commissioner department shall be by CourtCall unless the judicial officer specifies otherwise. Telephonic appearances in all other departments will be by Zoom, Skype, or telephone. No person participating by CourtCall, Zoom, or Skype will be required to pay for the service.

    a. To schedule an appearance via CourtCall, for oneself or anybody else, a person must call 1-888/882-6878 by 2:00 p.m. the day prior to the hearing and must provide the case name, the cause number, the date and time of the hearing, and the location of the hearing if the person knows it. Any person who has not scheduled an appearance via CourtCall by 2:00 p.m. the day prior to a hearing taking place after March 31, 2020 shall be deemed to have failed to appear unless the judicial officer has granted leave to extend the deadline.

b. Anyone who has an appearance scheduled on CourtCall must call in on the date of the hearing by the time the court calls the case or else the person shall be deemed to have failed to appear. All hearings which would otherwise be conducted in an open court room shall be conducted in an open courtroom.

c. Persons appearing in-person on non-essential matters, in violation of the Governor's proclamation, can expect not to be heard. Essential matters include petitions for domestic violence protection orders, anti-harassment orders, temporary immediate restraining orders, extreme risk protection orders, vulnerable adult protection orders, sexual assault protection orders, and residential, post foreclosure, and manufactured and mobile home unlawful detainer actions.

d. In adult criminal cases and petitions for domestic violence protection orders, anti-harassment orders, temporary immediate restraining orders, extreme risk protection orders, vulnerable adult protection orders, and sexual assault protection orders, and residential, post foreclosure, and manufactured and mobile home unlawful detainer actions, the Court will hear from parties, lawyers, and witnesses who appear in person if they cannot appear telephonically. Return hearings on petitions for protection orders or anti-harassment orders as well as actions for residential unlawful detainer, which shall be heard in the Presiding Department, will be presumed telephonic but without CourtCall. Parties to those actions may call in or be called using ordinary cellular or landline telephone equipment. Defendants in unlawful detainer actions need not confirm their appearances at a show cause hearing prior to the day of the hearing. Masks must be worn as

indicated in the "Masks Required" section above. The Court may take such other measures as it deems necessary to protect people in the courtroom from infection, including but not limited to enforcing social distancing.

e. For adult criminal trial call, all out-of-custody defendants and the attorneys in the case may appear telephonically.

Interpreter Services

10. Persons having a right to be heard who need interpreter services for hearings in the main courthouse may request such services by calling 425/388-3421 or by e-mailing ssc-interpreter.support@snoco.org or de.brandstrom@snoco.org. Persons having a right to be heard who need interpreter services for hearings at the Denney Juvenile Justice Center may request such services by calling 425/388-7960 or by e-mailing toni.elmendorf@snoco.org. Interpreter services may be telephonic for all case types without limitation, including evidentiary hearings, notwithstanding GR 11.3.

Other Matters

11. All civil motions on the Judges' Civil Motions Calendar, Tuesday through Friday, shall be considered on written materials submitted without oral argument, unless the Judge assigned to that civil motions calendar specifically requests telephonic argument.

12. Residential unlawful detainer actions not prohibited by a Governor's Proclamation or amendment thereto will be heard remotely in Department 10 at 9:00 A.M., using Zoom if the technology is available, but not using CourtCall. To proceed in a show cause hearing for unlawful detainer, the plaintiff must have served the defendant, in the manner required by law, the addendum provided by the court at the motion for show cause. The

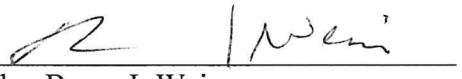
plaintiff or plaintiff's counsel must provide the Court with his or her telephone number and e-mail address, and the telephone number and e-mail address of the defendant, if known. Parties who cannot appear telephonically may appear in person in Department 10. CourtCall will not be used for telephonic hearings in any residential, post-foreclosure, and manufactured and mobile home unlawful detainer action.

13. Return hearings on petitions for extreme risk protection order, vulnerable adult protection orders, and sexual assault protection orders will be heard remotely in Department 10 at 9:00 AM using Zoom if the technology is available, but not using CourtCall. The petitioner must see that the Court has his or her telephone number and e-mail address, the telephone number and e-mail address of the respondent if known, and, in the case of a petition for a Vulnerable Adult Protection Order, the telephone number and e-mail address of the vulnerable adult, if known. Parties who cannot appear telephonically may appear in person in Department 10.
14. A supplemental emergency order addresses matters at Denney Juvenile Justice Center not addressed in this order.
15. Any matters not addressed in this emergency order shall proceed in the manner consistent with all State and Local Court rules.
16. For all calendars, moving parties shall provide the judicial officer with a proposed order. The Court may strike any matter for which there is no proposed order.
17. Working copies for a judge may be electronically submitted to the judge's law clerk by e-mail.

This Order will take effect May 14th and will remain in effect until further order of the Court. This order shall supersede both Emergency Order #1, Emergency Order #2, Emergency

Order #5, Emergency Order #6, and Emergency Order #7 together with any amendments to any of them, to the extent those orders and amendments are inconsistent with this order. This order shall further supersede Superior Court Administrative Order 11-12 and Washington State Supreme Court's Amended Order No. 25700-B-607, to the extent those orders are inconsistent with this order, and this order shall constitute a temporary modification of Snohomish County Local Court Rules to the extent those rules are inconsistent with this order.

DATED this 14th day of May, 2020



Judge Bruce I. Weiss
Presiding Judge

CRIMINAL HEARINGS RESTART CALENDAR[i]

JUDGE 1 - CRIMINAL HEARINGS COURTROOM – C-304

	MONDAY	TUESDAY[ii]	WEDNESDAY	THURSDAY	FRIDAY
9AM	CRIMINAL HEARINGS[iii]	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	9:30am start: TRIAL CALL[iv]
	limit 5	*limit 5*	*limit 5*	*limit 5*	*limit 150*
9:30AM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	v
	limit 5	*limit 5*	*limit 5*	*limit 5*	v
10:00AM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	v
	limit 5	*limit 5*	*limit 5*	*limit 5*	v
10:30AM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	v
	limit 5	*limit 5*	*limit 5*	*limit 5*	v
11:00AM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS
	limit 5	*limit 5*	*limit 5*	*limit 5*	*limit 5*
11:30AM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS
	limit 5	*limit 5*	*limit 5*	*limit 5*	*limit 5*
1:00PM	VIDEO CALENDAR	VIDEO CALENDAR	VIDEO CALENDAR	VIDEO CALENDAR	VIDEO CALENDAR
	limit 30	*limit 30*	*limit 30*	*limit 30*	*limit 30*
3:00PM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL MOTIONS CALL[v]
	limit 5	*limit 5*	*limit 5*	*limit 5*	*limit 20*
3:30PM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS
	limit 5	*limit 5*	*limit 5*	*limit 5*	*limit 5*
4:00PM	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS	CRIMINAL HEARINGS
	limit 5	*limit 5*	*limit 5*	*limit 5*	*limit 5*

JUDGE 2 - EXTENDED CRIMINAL MOTIONS, PLEAS & SENTENCINGS[vi] – C-201

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:00AM	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION
	limit 1	*limit 1*	*limit 1*	*limit 1*	*limit 1*
10:00AM	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION
	limit 1	*limit 1*	*limit 1*	*limit 1*	*limit 1*
11:00AM	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION	EXTENDED CRIMINAL MOTION
	limit 1	*limit 1*	*limit 1*	*limit 1*	*limit 1*
1:00PM	SPECIAL SET PLEA/SENTENCING	SPECIAL SET PLEA/SENTENCING	SPECIAL SET PLEA/SENTENCING	SPECIAL SET PLEA/SENTENCING	ORPHAN TRIAL CALL
	limit 2	*limit 2*	*limit 2*	*limit 2*	
3:00PM	PLEAS & SENTENCINGS	PLEAS & SENTENCINGS	PLEAS & SENTENCINGS	PLEAS & SENTENCINGS	PLEAS & SENTENCINGS
	limit 8	*limit 8*	*limit 8*	*limit 8*	*limit 8*

JUDGE 3 - THIRD CRIMINAL HEARINGS JUDGE (Dept. 12)[vii]

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:00AM	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 &C201
	V	V	V	V	V
10:00AM	V	V	V	V	V
	V	V	V	V	V
11:00AM	V	V	V	V	V
	V	V	V	V	V
1:00PM	SPECIAL SET PLEA/SENTENCING	SPECIAL SET PLEA/SENTENCING	SPECIAL SET PLEA/SENTENCING	SPECIAL SET PLEA/SENTENCING	SPECIAL SET PLEA/SENTENCING
	limit 2	*limit 2*	*limit 2*	*limit 2*	*limit 2*
2:00PM	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 & C201	AVAILABLE FOR LENGTHY SPECIAL SET HEARINGS & OVERFLOW FROM C304 &C201
	V	V	V	V	V
3:00PM	V	V	V	V	V
	V	V	V	V	V
4:00PM	V	V	V	V	V
	V	V	V	V	V

[i] HEARINGS FOR C-304, C-201 & DEPT. 12 ARE SYNCHED TO START AT 9, 10, 11 & 3 TO FACILITATE MOVEMENT OF IN-CUSTODY DEFENDANTS. THUS, IN-CUSTODY MATTERS MAY ONLY BE SCHEDULED AT THE TOP OF AN HOUR. NO HEARINGS REQUIRING TRANSPORT OF IN-CUSTODY DEFENDNANTS MAY BE SCHEDULED AFTER 3PM WITHOUT ADVANCE COURT APPROVAL. NO MORE THAN SIX (6) IN-CUSTODY DEFENDANTS SHOULD BE SCHEDULED FOR ANY TIME SLOT (E.G., THERE CAN BE 3 IN-CUSTODY DEFENDANTS IN C-304 & 1 IN CUSTODY DEFENDANT IN C-201 AND ANOTHER IN DEPT. 12 FOR THE 9AM HEARING SLOT).

[ii] POST-CONVICTION MOTIONS WITHOUT ORAL ARGUMENT WILL BE CALENDARED FOR TUESDAY MORNINGS AT 8:30AM.

[iii] "CRIMINAL HEARINGS" DENOTES SHORT HEARINGS & HEARINGS WITHOUT ORAL ARGUMENT (ARRAIGNMENTS, TRIAL SETTINGS, MOTIONS TO ADDRESS BAIL/RELEASE, FUGITIVE MATTERS, MOTIONS FOR CERTIFICATE OF DISCHARGE, MOTIONS FOR CERTIFICATE OF RESTORATION OF OPPORTUNITY, MOTIONS TO CONTINUE, MOTIONS TO COMPEL, MOTIONS TO QUASH, MOTION TO REINSTATE BAIL, MOTIONS TO SEAL, STAYS, MOTIONS TO VACATE CONVICTION, TAP CONTINUANCES, WAIVER OF JURY TRIAL, WEAPON SURRENDER REVIEWS, ETC. THIS JUDGE SHALL ALSO ADDRESS THE DEADLINE FILINGS AND HEAR POST-CONVICTION MOTIONS WITHOUT ORAL ARGUMENT (E.G., LFO MOTIONS, MOTIONS RELATING TO RALJ APPEALS (SUCH AS MOTION FOR ADDITIONAL TIME TO FILE BRIEFING, MOTION FOR DISMISS RALJ APPEALS, ASSIGNING OUT RALJ APPEALS, ETC.). THE C-304 JUDGE MAY ASSIGN MATTERS TO THE OTHER TWO CH JUDGES IF THEY NEED ASSISTANCE.

[iv] TRIAL CALL SHALL BE LIMITED TO TRIAL ASSIGNMENTS. NO CONTESTED CONTINUANCE MOTIONS SHALL BE HEARD AT TRIAL CALL. AN "ORPHAN TRIAL CALL" CALENDAR WILL BE HELD IN C201 FOR PARTIES WHO MISTAKENLY APPEAR FOR A 1PM TRIAL CALL CALENDAR THAT NO LONGER EXISTS.

[v] CRIMINAL MOTIONS CALL SHALL BE FOR THE PURPOSE OF ASSIGNING OUT EXTENDED CRIMINAL MOTIONS TO A SPECIFIC DATE THE FOLLOWING WEEK IN EITHER C-201 OR DEPT. 12. ALL BRIEFING MUST BE FILED BY ALL PARTIES BEFORE A MOTION WILL BE ASSIGNED OUT. ADDITIONALLY, ATTORNEYS MUST NOTIFY THE COURT IF THERE ARE ANY SCHEDULING CONSTRAINTS (I.E. THAT THE ATTORNEYS OR THEIR WITNESSES ARE ONLY AVAILABLE ON SPECIFIC DATES OR AT CERTAIN TIMES). MOTIONS WILL NOT BE ASSIGNED OUT IF THE ATTORNEYS CANNOT AFFIRMATIVELY STATE THAT ALL PARTIES AND ALL WITNESSES ARE AVAILABLE FOR THE ASSIGNED HEARING DATE AND TIME. WORKING COPIES MUST BE PROVIDED AT THE FRIDAY 3PM CRIMINAL MOTIONS CALL CALENDAR SO THAT THE DOCUMENTS CAN BE FORWARDED TO THE JUDGE WHO WILL HEAR THE MATTER THE FOLLOWING WEEK.

[vi] "EXTENDED CRIMINAL MOTIONS PLEAS & SENTENCINGS," DENOTES MOST EXTENDED CRIMINAL MOTIONS (E.G, 3.5, 3.6 HEARINGS, & *SELL* HEARINGS), PLEAS & SENTENCINGS. THERE WILL BE ONE (1) EXTENDED CRIMINAL MOTION SCHEDULED EACH HOUR, M-F. IF MATTERS ARE APPRECIABLY SHORTER THAN AN HOUR, MORE THAN ONE MAY BE SET PER HOUR (BUT NO MORE THAN THREE 15 MINUTE MATTERS, OR TWO 20 MINUTE MATTERS MAY BE SET PER HOUR. NON-SPECIAL SET SENTENCINGS ARE AT 3PM. 1 CALENDAR SPACE = A CASE WITH UP TO THREE CHARGES FOR EITHER PLEA OR SENTENCING. SPECIAL SET SENTENCINGS ARE AT 1PM. 3.5 HEARINGS IN BENCH TRIAL CASES SHALL BE HEARD AT THE TIME OF TRIAL, ALL OTHERS SHALL BE SET TO AN EXTENDED CRIMINAL MOTION CALENDAR.

[vii] THE THIRD CRIMINAL HEARINGS JUDGE IN DEPT. 12 WILL HELP ENSURE CAPACITY FOR CRIMINAL HEARINGS THAT CAN'T BE MANAGED BY C304 AND C201. IN PARTICULAR, THE JUDGE WILL BE AVAILABLE FOR EXTENDED CRIMINAL MOTIONS THAT WILL EXCEED 1 HOUR. THE JUDGE WILL ALSO BE AVAILABLE FOR SPECIAL SET PLEAS & SENTENCINGS (PERHAPS PROVIDING THE ABILITY TO RE-SET SOME SPECIAL SET SENTENCINGS FROM INDIVIDUAL JUDGES, THEREBY ALLOWING THEM TO BE MORE AVAILABLE FOR OTHER ASSIGNMENTS AND/OR EXPANDED COURT TIME FOR CURRENTLY ASSIGNED CASES).