

FILED

KING COUNTY WASHINGTON

NOV 01 2013

SUPERIOR COURT CLERK
BY DAWN TUBBS
DEPUTY

**SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY**

TATE ET ANO
Plaintiff/Petitioner

vs

JACKSON ET AL
Defendant/Respondent

NO. 12-2-21829-3 SEA

**ORDER REQUIRING COMPLETION OF
JOINT CONFIRMATION OF TRIAL
READINESS**

CLERK'S ACTION REQUIRED
[ORJPR]

IT IS HEREBY ORDERED that trial is currently set to commence on 1/27/2014 at 9:00 a.m. Counsel/parties are ordered to comply with the following deadlines. Counsel/parties are further ORDERED to complete and return the enclosed JOINT CONFIRMATION REGARDING TRIAL READINESS by 1/6/2014.

NONCOMPLIANCE WITH THE TERMS OF THIS ORDER MAY RESULT IN SANCTIONS, INCLUDING THE EXCLUSION OF EVIDENCE, DISMISSAL, ENTRY OF DEFAULT, AND/OR AWARD OF TERMS AND ATTORNEY FEES, AS THE COURT DEEMS APPROPRIATE.

A. SETTLEMENT/MEDIATION/ADR REQUIREMENT PURSUANT TO ORDER SETTING CIVIL CASE SCHEDULE:

Must be accomplished no later than 12/30/2013.

B. PRETRIAL DISCLOSURES:

1. EXHIBITS

1/6/2014

Counsel and/or pro se parties shall prepare and exchange a list of exhibits and copies of the exhibits as required by LCR 4(j).

1/13/2014

ORIGINAL

All non-documentary exhibits (excluding illustrative exhibits) shall be made available for inspection by the opposing counsel and/or pro se parties pursuant to LCR 4(j).

2. WITNESSES

1/6/2014

Witnesses who have been disclosed pursuant to LCR 26, and whom counsel and/or pro se parties intend to call at trial, shall be disclosed as by LCR 4(j).

All witnesses to be called at trial shall be listed in the Joint Statement of Evidence, as required by LCR 4 (k). Failure to adhere to the case schedule or to disclose witnesses, as provided for in LCR 26 and LCR 4, shall result in the exclusion of the witnesses' testimony at the time of trial, or such other sanctions as the Court deems appropriate.

C. DOCUMENTS TO BE FILED WITH THE COURT:

1. JOINT STATEMENT OF EVIDENCE

1/20/2014

[LCR 4(k)]. The Joint Statement of Evidence shall be filed with the Clerk's Office, with courtesy copies delivered to the assigned judge **5 court** days before trial. Counsel for the parties and/or pro se parties shall confer at least 10 calendar days before trial to prepare the Joint Statement of Evidence.

The Statement shall include a list of all proposed exhibits, numbered sequentially beginning with 1. Adjacent to the list of exhibits shall be a table with four columns headed as follows: "Party(ies) Offering Exhibit," "No Objection," "Authenticity Admitted but Objectionable," and "Otherwise Objectionable." The legal basis of the objection shall be identified. The appropriate column shall be completed for each exhibit.

No document shall be listed more than once as an exhibit; an exhibit on the Joint Statement may be offered by any party. The Joint Statement of Evidence shall conform to the requirement of LCR 4(k). Counsel may include any additional stipulations regarding exhibits.

2. EXHIBITS AND OTHER EVIDENCE:

1/20/2014

(A) EXHIBITS:

1. NUMBERING

Each exhibit shall be numbered with a tab. It shall be listed in the Joint Statement of Evidence only once. Once an exhibit is numbered, it can be introduced by either party but will continue to be designated by the number given it in the Joint Statement of Evidence.

2. TRIAL NOTEBOOKS

Counsel are to prepare for the clerk, the judge and for counsel, three-ring notebooks which contain the exhibits listed in the Joint Statement of Evidence. Each exhibit should be placed behind a numbered tab corresponding with the number designated in the Joint Statement of Evidence.

3. **PRE-MARKING OF EXHIBITS BY CLERK**

The parties shall arrange with the clerk to have exhibits marked in advance of trial.

4. **OBJECTIONS**

If a party has a legal objection to a proposed exhibit, the legal basis must be included in the Joint Statement.

(B) USE OF DISCOVERY/DEPOSITIONS AT TRIAL:

1/20/2014

If depositions (including video depositions), designations, interrogatories, requests for admissions, or other discovery responses are to be used at trial as substantive evidence in lieu of live testimony, the proponent shall provide a list of the excerpts to be offered to the opposing party. Such excerpts shall be included with the exhibits, and any counter-designations and any objections thereto shall be provided to the Court and opposing counsel.

If the Court is to make any evidentiary rulings, counsel shall provide the Court with a transcript of any video depositions intended to be offered at trial.

3. **MOTIONS IN LIMINE**

1/20/2014

All motions *in limine* shall be filed with the Clerk's Office, with courtesy copies delivered to the assigned Judge and served on opposing counsel pursuant to LCR 4(l); LCR7(b)(4). Ruling on motions *in limine* shall be made on the day of trial, without oral argument, unless requested by the Court.

4. **TRIAL BRIEFS**

1/20/2014

Trial briefs shall be filed with the Clerk's Office, with courtesy copies delivered to the assigned judge and served on opposing counsel and/or pro se parties, no later than **5 court days** before the trial. LCR 4(m).

5. **JURY INSTRUCTIONS (JURY CASES ONLY)**

1/20/2014

- A. Counsel and/or pro se parties shall exchange proposed sets of jury instructions and verdict forms **5 court days** before trial. The parties shall confer and agree on instructions to the extent reasonably possible. Only one set shall be submitted for agreed instructions. LCR 4(m).
- B. Counsel and/or pro se parties shall submit the jury instructions to the Court no later than **5 court days** before the date of trial. One cited original set of jury instructions is to be filed with the Clerk's Office, and 1 uncited original(s) and 1 cited copy/copies are to be delivered to the bailiff. The submission of a list of WPI numbers in lieu of the full text of a proposed jury instruction IS NOT acceptable.
- C. Sets of instructions for the court shall be submitted in electronic format.

6. **VOIR DIRE (JURY CASES ONLY)**

1/20/2014

Counsel shall submit all general voir dire questions to be asked by the Court and a short neutral statement of the case 5 court days before the trial date.

7. **PROPOSED FINDINGS OF FACT and CONCLUSIONS OF LAW (non-jury cases only):**

1/20/2014

5 court days before trial, each party shall serve and deliver to the assigned judge proposed findings of fact and conclusions of law. LCR 4(m).

Dated: November 1, 2013



Honorable Judge **JULIA GARRATT**