

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

FILED

2020 MAR 13 AM 11:05

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. 2020-7003-31A HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH
EMERGENCY ORDER #1
RE: COURT OPERATIONS

This matter comes before the Court on the public health emergency in Washington State and in Snohomish County. The actions set forth herein will take effect on Monday March 16, 2020 and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

1. 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).
2. On March 4, 2020, Snohomish County Executive Dave Somers declared a state of emergency in Snohomish County due to COVID-19.
3. On March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in

Washington State, that states, in part, as follows:

WHEREAS, during this state of emergency, it may become necessary for courts in these counties to close, relocate or otherwise significantly modify their regular operations; and WHEREAS, the presiding Judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency, including to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions, NOW THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public, IT IS HEREBY ORDERED THAT:

1. The Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency;
2. Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of General Rule 7;

3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable.
4. Dr. Christopher Spitters, the Health Officer for Snohomish Health District, signed Health Officer's Order No. 20-059 which referenced in relevant part, "Events with fewer than 250 attendees are prohibited unless event organizers take the following steps to minimize risk: Older adults and individuals with underlying medical conditions that may increase the risk of serious COVID-19 are encouraged not to attend(including employees); social distancing recommendations must be met (i.e. people staying 6 feet from each other, aside from momentary and minimal contact at closer distances when absolutely necessary); employees must be screened for coronavirus symptoms each day and excluded if symptomatic; proper hand hygiene and sanitation must be readily available to all attendees and employees; and environmental cleaning guidelines from U.S. Centers for Disease Control and Prevention (CDC) are followed (e.g. clean and disinfect high-touch surfaces daily or more frequently)."
5. On March 12, 2020, Governor Jay Inslee ordered all K-12 public and private schools in King, Snohomish and Pierce Counties to close by March 17, 2020 and remain closed until April 24, 2020.
6. Currently, there are over 350 confirmed cases of COVID-19 in the state of Washington, with 108 of these confirmed cases being from Snohomish County. There are currently 29 deaths statewide with four being in Snohomish County. There are still pending 78 suspect cases.

Given the significant number of identified and projected cases of COVID-19 in Snohomish County and the severity of risk posed to the public, court personnel and litigants, and

given the recommendations from the Snohomish Health District, it is hereby ORDERED, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-602 and the authority as Presiding Judge of the Snohomish County Superior Court, that the following shall be in effect March 16, 2020:

1. All criminal jury trials are CONTINUED until at least April 24, 2020. All civil jury trials are CONTINUED until at least June 1, 2020. Due to the reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances by this Emergency Order will be excluded in computing time for trial pursuant to CrR 3.3(e)(3) and CrR3.3(f)(2). The Court further finds that the ends of justice served by continuing these cases outweighs the defendant's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrR3.3(e)(8).
2. For the week of March 16, 2020, except for criminal trial call, any matter on the calendar for Criminal Hearings in Department 304 shall be stricken. Out of custody defendants need not appear for criminal trial call on Friday, March 20, 2020, but these cases will be called and the non-appearance will be noted. No Bench Warrants will issue for not appearing on the calendar.
3. Beginning March 23, 2020, all of the criminal hearing matters in C304, except for trial call on Friday at 1:00 p.m. and all video arraignment calendars, shall be limited to in custody defendants only. There will be a second Judge assigned to each calendar for all out of custody proceedings for these calendars.
4. Beginning Tuesday, March 17, 2020, pursuant to SCLCR(7)(b)(10)(a) and SCLCR 56, all motions on the Commissioner Family Law Domestic Motions calendar,

Commissioner Civil Motions calendars, Commissioner Guardianship calendars, Commissioner Special set calendars, and Commissioner Probate calendars shall be heard telephonically. Each telephonic hearing calendar shall be limited to a total of eight (8) confirmed hearings. The portion of this rule regarding the number of cases which can be confirmed supersedes the previously executed Administrative Order No. 38-20. Once the confirmed hearings limit is reached, the parties will either need to agree to a new hearing date or the matter will need to be re-noted. Parties and/or attorneys shall be required to provide a phone number for the Court to call for the telephonic hearing by leaving the case information, their name, and their phone number during the appropriate time for confirmation of the hearing beginning with cases to be confirmed for hearings for March 23, 2020. For cases to be heard prior to March 23, 2020, the phone number shall be provided no later than noon the day before the hearing. If available, the party confirming the hearing shall provide telephone contact numbers for all parties. For 9:00am calendars, all parties must be available by phone from 9:00am until noon or until their matter is completed, whichever comes first. For matters on a 1:00pm calendar, parties must be available by phone from 1:00pm until 4:30pm or until their matter is completed, whichever comes first. Failure by a party to answer the call when placed by the Court may be grounds for the Court to strike the hearing or proceed without the participation of that party.

5. All Motions on the Judges' Civil Motions Tuesday through Friday Calendar shall be without oral argument unless the Judge assigned to that civil motions calendar specifically requests argument either telephonically or in person.
6. All Truancy matters are suspended until further Order of the Court.

7. All extensions of ARY/CHINS petitions will be granted by calling (425) 388-7954, except if a judicial officer requests the parties to appear telephonically or in person.
8. Any matters not addressed in this emergency order shall proceed in the manner consistent with all State and Local Court rules.

This Order modifies, but is not limited to modification of, the following rules:

SCLCR 7

SCLCR 56

SCLCrR 4.5

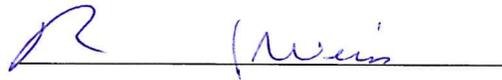
SCLSPR 94.04(c)(3)(F)

SCLSPR 98.16(3)(a)

JuCR 5A.6

This Order may be further extended or modified.

DATED this 13th day of March, 2020.

A handwritten signature in blue ink, appearing to read "Bruce I. Weiss", is written over a horizontal line.

Judge Bruce I. Weiss