

WSR 24-01-049
RULES OF COURT
STATE SUPREME COURT
[December 7, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1552
CRLJ 41—DISMISSAL OF ACTIONS)

The District and Municipal Court Judges' Association, having recommended the suggested amendments to CRLJ 41—Dismissal of Actions, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2024.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2024. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of December, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GENERAL RULE 9

RULE AMENDMENT COVER SHEET

Suggested Amendments to

WASHINGTON STATE COURT RULES:

CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)

PROPOSED AMENDMENT TO CRLJ 41

1. Proponent Organization: District and Municipal Court Judges' Association (DMCJA)

2. Spokespersons: Judge Jeffrey R. Smith, President DMCJA; Judge Catherine McDowall, Co-Chair DMCJA Court Rules Committee; Judge Wade Samuelson, Co-Chair DMCJA Court Rules Committee.

3. Purpose of Proposed Rule Amendment: GR 30 (b) (3) (relating to Electronic Filing and Service) currently allows courts to electronically transmit notices, orders or other documents to all parties to a case where authorized by local court rule. However, the current version of CRLJ 41 (b) (2) (i) requires notice of a dismissal on clerk's motion to be mailed to the parties.

DMCJA proposes an amendment to CRLJ 41 to clarify that electronic transmission of notice is permissible where parties have agreed in writing to receive court notice electronically. The proposed changes would clarify any perceived ambiguity between GR 30 and CRLJ 41. Minor

changes to other parts of CRLJ 41 are proposed to make it consistent with the possibility of electronically transmitted notice.

4. **Hearing:** A hearing is not recommended.

5. **Expedited Consideration:** Expedited consideration is not requested.

CRLJ 41

DISMISSAL OF ACTIONS

(a) [unchanged]

(b) **Involuntary Dismissal; Effect.** For failure of the plaintiff to prosecute or to comply with these rules or any order of the court, a defendant may move for dismissal of an action or of any claim against that defendant.

(1) *Want of Prosecution on Motion of Party.* [unchanged]

(2) *Dismissal on Clerk's Motion.*

(i) Notice. In all civil cases in which no action of record has occurred during the previous 12 months, the clerk of the court shall notify the attorneys of record by mail, or by electronic means if the party has consented in writing to electronic service, that the court will dismiss the case unless, within 30 days following the mailing sending of such notice, a party takes action of record or files a status report with the court indicating the reason for inactivity and projecting future activity and a case completion date. If the court does not receive such a status report, it shall, on motion of the clerk, dismiss the case without prejudice and without cost to any party.

(ii) Mailing Notice; reinstatement. The clerk shall mail or send electronic notice of impending dismissal not later than 30 days after the case becomes eligible for dismissal because of inactivity. A party who does not receive the clerk's notice shall be entitled to reinstatement of the case, without cost, upon motion brought within a reasonable time after learning of the dismissal.

(iii)-(iv) [unchanged]

(3) *Defendants Motion After Plaintiff Rests.* [unchanged]

(c) - (e) [unchanged]