

**RCW 4.105.060 Dismissal of cause of action in whole or part.**

(1) In ruling on a motion under RCW 4.105.020, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:

(a) The moving party establishes under RCW 4.105.010(2) that this chapter applies;

(b) The responding party fails to establish under RCW 4.105.010(3) that this chapter does not apply; and

(c) Either:

(i) The responding party fails to establish a prima facie case as to each essential element of the cause of action; or

(ii) The moving party establishes that:

(A) The responding party failed to state a cause of action upon which relief can be granted; or

(B) There is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(2) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under RCW 4.105.020 does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorneys' fees, and expenses under RCW 4.105.090.

(3) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under RCW 4.105.020 establishes for the purpose of RCW 4.105.090 that the moving party prevailed on the motion. [2021 c 259 § 7.]