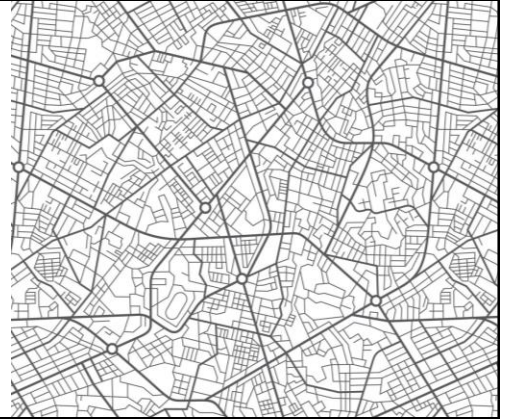


# THE LIFE OF A LAWSUIT



Megan Clark

Etter, McMahon, Lamberson, Van Wert & Oreskovich, P.C.

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## BEGINNINGS

- Tort Claim
- Summons + Complaint
- Answer
- Initial court dates

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# TORT CLAIM

- Required by RCW 4.96.020
- Must wait 60 days to file suit
- Standard form required
- Designated agent required
- Substantial compliance acceptable
- Statutes of limitation
- Not filing can be bar to recovery

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# EXAMPLE

## WASHINGTON STATE TORT CLAIM FORM

General Liability Claim Form #SF 210

For Official Use Only

Pursuant to Chapter 4.92 RCW, this form is for filing a tort claim against the state of Washington. Some of the information requested on this form is required by RCW 4.92.100 and is subject to public disclosure pursuant to RCW 42.56.

### PLEASE TYPE OR PRINT CLEARLY IN INK

**Mail or deliver original claim to** Department of Enterprise Services  
Office of Risk Management  
1500 Jefferson Street SE, MS 41466  
Olympia, Washington 98504-1466  
Phone: (360) 407-9199  
Fax: (360) 407-8022  
Email: Claims@des.wa.gov

Business Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.  
Closed on weekends and official state holidays.

1. Claimant's name: \_\_\_\_\_  
Last name First Middle Date of birth (mm/dd/yyyy)
2. Inmate DOC number (if applicable): \_\_\_\_\_
3. Current residential address: \_\_\_\_\_
4. Mailing address (if different): \_\_\_\_\_
5. Residential address at the time of the incident: \_\_\_\_\_  
(if different from current address)
6. Claimant's daytime telephone number: \_\_\_\_\_  
Home Business or Cell
7. Claimant's e-mail address: \_\_\_\_\_
8. Date of the incident: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m. (check one)  
(mm/dd/yyyy)
9. If the incident occurred over a period of time, date of first and last occurrences:  
from \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.  
(mm/dd/yyyy) (mm/dd/yyyy)  
to \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.  
(mm/dd/yyyy) (mm/dd/yyyy)

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# SUMMONS & COMPLAINT

- Initiates lawsuit
- Requires a short, plain statement of the facts and alleged causes of action and a demand for relief. CR 8(a).
- Individual employee typically served by personal service
- Must be served on the entity by personal service, with limited exception
  - For cities - service upon the Mayor's or City Manager's office, or City Clerk. RCW 4.28.080(2).

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# ANSWER TO COMPLAINT

- Answer - Due within 20 days of Service
- Notice of Appearance by counsel
- Analysis of Defenses
- Member Responsibilities
  - Immediate notification to RMSA of lawsuit
  - Cooperation with assigned counsel
  - Potential compiling of documents for Answer
  - Watch out for simultaneous public record requests

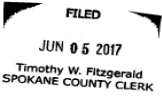
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# INITIAL COURT DATE

- Court will typically set an initial status conference
- Attorney will attend on your behalf
- Matter will be set for trial
- Scheduling Order issued
- Remember Local Rules


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# EXAMPLE



SN: 8  
PC: 1

(Copy Receipt) Clerk's Date Stamp

 <p><b>SUPERIOR COURT OF WASHINGTON</b> COUNTY OF SPOKANE</p>	<p>JUDGE JAMES M. TRIPLET 99</p>
[Redacted]	CASE NO. [Redacted]
Plaintiff(s)/Petitioner(s), vs. [Redacted]	CASE ASSIGNMENT NOTICE AND ORDER (NTAS)
Defendant(s)/Respondent(s).	CASE STATUS CONFERENCE DATE: SEPTEMBER 22, 2017 AT 8:30 AM


**ORDER**

YOU ARE HEREBY NOTIFIED that this case is preassigned for all further proceedings to the judge noted above. **You are required to attend a Case Status Conference before your assigned judge on the date also noted above. The Joint Case Status Report must be completed and brought to the Status Conference. A Case Schedule Order, with the trial date, will be issued at the Status Conference.**

Under the individual calendar system, the court will operate on a four-day trial week. Trials will commence on Monday, Tuesday, Wednesday or Thursday. Motion Calendars are held on Friday. All motions, other than ex parte motions, must be scheduled with the assigned judge. Counsel must contact the assigned court to schedule motions and working copies of all motion pleadings must be provided to the assigned court at the time of filing with the Clerk of Court. Pursuant to LCR 40 (b) (10), motions must be confirmed no later than 12:00 noon two days before the hearing by notifying the judicial assistant for the assigned judge.

Please contact the assigned court to schedule matters regarding this case. You may contact the assigned court by phone, court department e-mail or through the Spokane County Superior Court web page at <http://www.spokanecounty.org/1140/Superior-Court>

DATED: 06/05/2017

  
 MICHAEL P. PRICE  
 PRESIDING JUDGE

NOTICE: The plaintiff shall serve a copy of the Case Assignment Notice on the defendant(s).  
CASE ASSIGNMENT NOTICE LAR 0 4.1(b) (4/2001) Rpt032 Page 1 of 1

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# EXAMPLE

SUPERIOR COURT OF WASHINGTON  
Spokane County

██████████ )  
Plaintiff(s) )  
vs. )  
██████████ )  
Defendant(s) )

CASE NO. ██████████  
Civil Case Schedule Order  
  
(ORSCS)

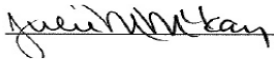
**I. BASIS**

Pursuant to LAR 0.4.1 IT IS ORDERED that all parties shall comply with the following schedule:

<b>II. SCHEDULE</b>	<b>DUE DATE</b>
1. Last Date for Joinder of Additional Parties, Amendment of Claims or Defenses	01/08/2018
2. Plaintiff's Disclosure of Lay and Expert Witnesses	02/12/2018
3. Defendant's Disclosure of Lay and Expert Witnesses	04/23/2018
4. Disclosure of Plaintiff Rebuttal Witnesses	05/21/2018
5. Disclosure of Defendant Rebuttal Witnesses	06/18/2018
6. Last Date for Filing: Motions to Chng Trial Date, Note for Arbitration, Jury Demand	06/18/2018
7. Discovery Cutoff	07/06/2018
8. Last Date for Hearing Dispositive Pretrial Motions	08/13/2018
9. Exchange of Witness List, Exhibit List and Documentary Exhibits	08/13/2018
10. Last Date for Filing and Serving Trial Mgmt Joint Rpt, including Jury Instructions	08/13/2018
11. Trial Memoranda, Motions in Limine	08/27/2018
12. Pretrial Conference	2:30 PM 08/31/2018
13. Trial Date	9:00 AM 09/10/2018

**III. ORDER**

IT IS ORDERED that all parties comply with the foregoing schedule pursuant to Local Rules 0.4.1 and 16.

  
JULIE M. MCKAY  
JUDGE

DATED: Duplicate

Civil Case Schedule Order (Rev 04/01/2001) 09/28/2017  
Rpt031Dupe Page 1 of 1

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# DISCOVERY

- Written Discovery
- Deposition Discovery
- Motions + Protective Orders

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# WRITTEN DISCOVERY

- Interrogatories
- Requests for Production
  - Public Record Considerations
- Requests for Admission
- Privileges

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# DEPOSITIONS

- Oral examination – sworn in under oath
- Individual Depositions
  - Parties
  - Experts
  - Fact Witnesses
- “Corporate” Deposition – CR 30(b)(6)
- Potential attorney representation

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# MOTIONS & PROTECTION

- **Discovery Motions**
- **Compelling documents, depositions**
- **Requesting protection**
- **Federal Court vs. State Court**
- **Court Deadlines**
  - **Discovery cutoff**
  - **Motion cutoff**

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# MOTION PRACTICE

- **Dispositive vs. Non-Dispositive**
- **Pre-trial Motions**

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# MOTIONS

- **Dispositive Motions**
  - Dismissal (CR 12(b)), Summary Judgment (CR 56)
  - Dismisses claims and narrows case
- **Non-Dispositive Motions**
  - Discovery Motions, limiting issues for the trial
- **Pre-Trial Motions**
  - Motions *in limine*
- **Your role**

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# CASE EVALUATION

- **Preliminary evaluation & Reservations of Rights**
- **Mediation & Settlement**

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# MEDIATION AND SETTLEMENT

- **Mediation**
  - Formal
  - Informal
- **Settlement**
  - Full or partial
  - Public Nature
- **Your Role**
- **RMSA's Role**
- **Conditioned Upon Board or Council's Approval**

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# TRIAL

- **Stages of trial**
- **Your role**
- **Arbitration**

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# STAGES OF TRIAL

- Pre-Trial Motions to limit testimony or evidence
- Jury Selection
- Opening Statements
- Plaintiff's Case in Chief
- Defendant's Case in Chief
- Plaintiff's Rebuttal
- Closing Statements
- Jury Deliberation + Verdict

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# YOUR ROLE AT TRIAL

- Cooperation with counsel
- Preparation, if testifying
- Presence at trial

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# QUESTIONS?

Megan C. Clark

Etter, McMahon, Lamberson, Van Wert & Oreskovich, P.C.

[mclark@ettermcmahon.com](mailto:mclark@ettermcmahon.com) • 509-747-9100