



## INSTRUCTIONS FOR FILING A GENERAL MOTION *PRO SE* IN THE SPOKANE MUNICIPAL COURT

**These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.**

Anytime you wish to request the Court take some formal action related to your case, **YOU MUST FILE A MOTION**. You **cannot** obtain relief from the Court by calling the Judge or Clerk of Court.

A motion is a request made to the Court for the purpose of obtaining a ruling or order directing an act to be performed. Usually, the following things occur when a motion is filed. First, one side files a motion explaining what it wants the Court to do and why the Court should do it. This party is referred to as the “movant.” If the other party disagrees with the relief requested, it will file a response explaining why the relief requested should not be granted. This party is referred to as the “respondent.” Then, the movant may file a reply brief responding to the arguments made in the response. The Court may either hold a hearing on the motion requiring the parties to attend **OR** the Judge may decide the motion without a hearing. While a party may request a hearing, it is up to the Judge whether he or she needs a hearing to decide the motion. Most of the time, a hearing is not necessary.

The Clerk’s Office has prepared a number of Adobe pdf motion forms for use by *pro se* litigants. The instructions set out below are meant to assist you in completing these forms. You should also consult the Criminal Rules for Courts of Limited Jurisdiction, which can be found online at [CrRLJ](#) or the Infraction Rules for Courts of Limited Jurisdiction, which can be found online at [IRLJ](#). You should also review the Local Rules, which can be found at [Local Rules](#)

### **CAPTION**

The caption is the description on the front of every document filed with the Court listing the Court, parties, and case number. Your motion must include a caption. The caption of a motion looks much like a complaint, except that in a motion you do not need to list all the plaintiffs and defendants. On a motion, you may list only the first plaintiff and first defendant followed by “et al.” in the case of multiple plaintiffs and/or defendants. An example of a caption for a motion is set out below:

|   |   |
|---|---|
| <b>Spokane Municipal Court<br/>County of Spokane, State of Washington</b> |   |
| CITY OF SPOKANE,<br>Plaintiff,  | <b>Case No:</b><br><br><b>PLEADING NAME</b> |
| vs  |   |
| FIRST MIDDLE LAST<br>Defendant.   |   |

The first paragraph of the motion should identify who you are, e.g., “I, Jane Doe, the Defendant in this action,” and should state precisely the relief that you are seeking, e.g., “I am requesting an extension of time to answer the Defendants’ discovery requests.” **It is very important that you are specific and concise about what you want so that the Court knows immediately what you are asking for.**

## **SUPPORTING INFORMATION**

The next section of your motion should state any facts or law that you believe supports your position. You should be as brief and concise as possible in this section. If you believe that it is necessary to attach documents you should include only relevant portions of lengthy documents so that the Judge reads only what is necessary to make a decision.

Please note that under the Court's Amended Notice of Electronic Availability of Civil Case File Information, sensitive information, including personal identifiers such as social security numbers, names of minor children, dates of birth, and financial account numbers, should **not** be filed with the Court unless such inclusion is necessary and relevant to the case. If a party must include sensitive information, the personal identifiers must be partially redacted. For example:

- In the case of social security or account numbers, only the last four digits should be used. For example, if the number is 5555-555-5555, you should refer to it as "xxxx- xxx-5555" in your motion.
- For a minor child, use only his/her first and last initials. For example, if the minor's name is Mary Ann Doe, you should refer only to the minor as "M.D." in your motion.

## **SIGNATURE**

You must sign the motion and file it with the Clerk's Office. ***The copy filed with the Clerk's office must contain an original signature.***

## **SERVICE**

You are responsible for providing the plaintiff in your case with a copy of your motion and any supporting papers, with sufficient time to allow the plaintiff to respond to your motion. This is called service. The Clerk's Office will **NOT** serve your motion for you.

Rule 8 of the Criminal Rules for Courts of Limited jurisdiction establishes the rules for serving motions in criminal matters. It provides in relevant part:

### CrRLJ RULE 8.1 TIME

- (a) Computation. Time shall be computed in accordance with CRLJ 6(a).
- (b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion, (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or, (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect. The court may not extend the time for taking any actions under rules 7.4, 7.5, 7.8, and 9.1.
- (c) For Motions--Affidavits. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; except as otherwise provided in rule 7.5, opposing affidavits may be served not later than 1 day before the hearing, unless the court permits them to be served at some other time.

CrRLJ RULE 8.2  
MOTIONS

Rules 3.5 and 3.6 and CRLJ 7(b) shall govern motions in criminal cases.

CrRLJ RULE 8.4  
SERVICE, FILING, AND SIGNING OF PAPERS

(a) Service: When Required. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint or citation and notice, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, application, designation of record on appeal, and similar paper shall be served upon each of the parties.

(b) Service: How Made.

(1) On Lawyer or Party. Whenever under these rules service is required or permitted to be made upon a party represented by a lawyer the service shall be made upon the lawyer unless service upon the party is ordered by the court. Service upon the lawyer or upon a party shall be made by delivering a copy to the person or by mailing it to the persons last known address. Delivery of a copy within this rule means: handing it to the lawyer or to the party; or leaving it at the persons office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the persons dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(2) Service by Mail.

(i) How Made. CRLJ 5(b)(2)(i) shall govern service by mail.

(ii) Proof of Service by Mail. Proof of service by mail may be by affidavit or certification, under RCW 9A.72.085 or any law amendatory thereof, of the person who mailed the papers, or by written acknowledgment of service.

(c) Filing With Court. The complaint or citation and notice shall be filed as in rule 2.1. All other pleadings required to be served upon a party shall be filed with the court pursuant to CRLJ 5(e).

(d) Bar Association Membership Number. All pleadings, motions, and legal memoranda signed by an attorney shall include the attorneys Washington State Bar Association membership number in the signature block.

(e) Filing by Facsimile. (Reserved. See GR 17--Facsimile Transmission.)

**COPY RECEIVED STAMP OR CERTIFICATE OF SERVICE REQUIRED**

At or before the time of your hearing, you must either have available a copy of all documents served bearing an official copy received stamp from the office or entity served (you can ask the entity being served if it has this stamp), OR a certificate of service stating the date a copy of the document was served on the plaintiff, how it was served (by hand, mail or other means), and where it was served. You must sign the certificate of service. An example of a certificate of service is set forth below and a form is available at the clerk's office:

**CERTIFICATE OF SERVICE**

I, Jane Doe, hereby certify that a copy of the above Motion for Extension of Time was served on Spokane City Prosecuting attorney, by first class mail postage prepaid at 909 W. Mallon Avenue, Spokane, WA 99201, on January 2, 2015.

\_\_\_\_\_  
[Signature line]

**FILING THE MOTION**

All pleadings, motions, or other papers filed by *pro se* litigants must be filed at the Spokane Municipal Court Clerk's office. A pleading, motion, or other paper addressed to an individual judge will be directed to the Clerk of the Court for assignment.

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