

## Case Management Order

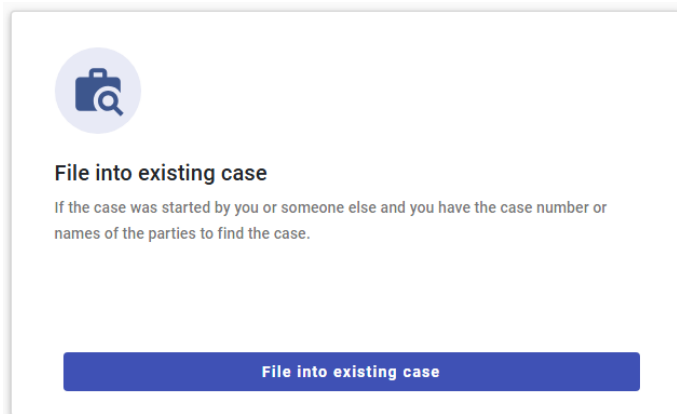
### (Disclaimer: Plain Language Draft for Reference Only)

Due to the number of individuals involved in this Whatcom County case and the nature of the adjudication, this document is provided to support community understanding of the overall rules and expectations. It is intended to promote clarity and consistency for those impacted. This document does **not** replace the original Order, which remains controlling. It is provided for reference and public support purposes only.

### Filings

If a document must be filed and served on other people involved in the adjudication, this may be done through e-filing. You do not need to file documents in person. However, you are responsible for knowing the deadline for filing and serving your document on the other parties.

**Note:** At the beginning of your filing, and when prompted on eFileWA, please ensure that you file into an “existing case.”



### 1. Purpose and Scope:

To help this case move forward smoothly, please read and follow the plain-language explanation of the Case Management Order below. This explanation does not replace the original Order. It is intended only to help people understand it more clearly.

### 2. Definitions:

- a. **Adjudication** – The water rights case filed by the Department of Ecology in Whatcom County Superior Court.
- b. **Briefing Schedule** – The timeline set by the Court regarding when documents and responses are due.

- c. **Claim** – A form filed in the water rights case describing one’s water usage and history.
- d. **Claimant** – Any person who files a Claim.
- e. **Clerk** – The department responsible for accepting water claims and other filed documents.
- f. **Court** – The Whatcom County Superior Court, located at 311 Grand Ave., Bellingham, WA 98225.
- g. **Department of Ecology** – The Plaintiff that filed the water adjudication in Whatcom County Superior Court.
- h. **Descriptive Summary** – A short and plain statement, included on a cover sheet or in the “Filing Description” when e-filing, stating:
1. The reason the document is being filed;
  2. The document’s relationship to other parts of the case (for example, “Response to X’s Motion for Summary Judgment”); and
  3. The action or relief requested.
- i. **Docket Sheet** – A list of filings from the most recent three months, listed from newest to oldest.
- j. **eFiler** – A person who files a document electronically.
- k. **e-filing** – The electronic submission of a document to the Clerk.
- l. **Filings** – All documents filed with and accepted by the Clerk.
- m. **Individual Claim Number** – The specific case number assigned to an individual Claim.
- n. **Issue of Broad Legal Importance** – An issue involving a potential procedural change or a matter of special importance affecting significant portions of the case.
- o. **Mandatory eFiler** – A party required to file electronically.
- p. **Master Case** – The overall case number: 24-2-80000-37.
- q. **Motion** – A request made by a party or Claimant to the Court.
- r. **Service/Notice** – A document showing that Motions or other documents have been filed in the case.

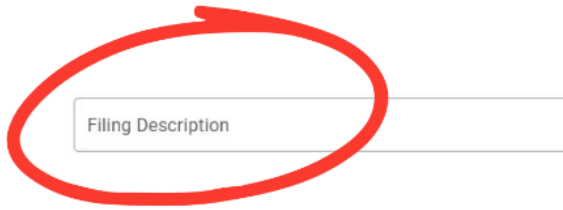
- s. **Odyssey** – The software system that stores case records and Filings.
- t. **Order or Ruling** – A document issued by the Court that establishes an enforceable directive.
- u. **Property Parcel Number (Geo ID)** – The county tax parcel number associated with property where water may be claimed.
- v. **Steering Committee** – A group of community members who help identify ways to move the court process forward efficiently.
- w. **Unrepresented Litigants** – Individuals who filed a Claim and represent themselves without an attorney.
- x. **Washington State Archives** – The digital database of case-related documents and records.
- y. **WRIA 1** – Washington Water Resource Inventory Area 1, which includes the Nooksack River system and other ground and surface waters in Whatcom County and parts of Skagit County.

### **3. Case Structure & Case Number Assignment:**

- a. The **Master Case (24-2-80000-37)** is the overall water adjudication case number.
- b. Individual Claim Numbers** are assigned to specific Claims (for example, 24-2-8XXXX-37).
- c. All Orders and Rulings will be filed under the Master Case number, 24-2-80000-37.
- d. The Court may modify the case structure if necessary.

### **4. Electronic Filing (e-filing):**

- a. The following parties must e-file documents:
  - i. All attorneys;
  - ii. Government entities;
  - iii. Anyone directed by the Court to e-file.
- b. All documents (except Claim forms), whether filed electronically or in person, must include a Descriptive Summary. Documents submitted without a description will be rejected by the Clerk.



**c. Unrepresented Litigants:**

- i. Unrepresented Litigants are strongly encouraged to file through eFileWA, but they are not required to do so.
- ii. If an Unrepresented Litigant chooses to e-file, they must continue to do so throughout the case unless the Court grants a motion allowing them to stop.

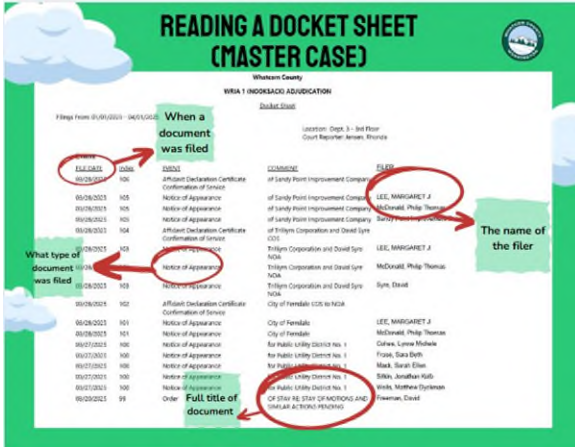
**5. Docket Sheet Procedure:**

A. The Docket Sheet serves as official notice in this case.

- 1. Reading the Docket Sheet constitutes notice of Motions and other Filings.
- 2. The Docket Sheet will be available on the 7th day of each month. You can find it at the Clerk’s Office (311 Grand Ave., 3rd Floor, (Suite 301), Bellingham, WA 98225) and on the [Clerk’s website](#).
- 3. The Docket Sheet will include all Filings from the previous three months.
  - a. Any changes to this Order will supersede prior Docket Sheet publication dates or deadlines. Always refer to the most recent Docket Sheet.
  - b. To appear on the Docket Sheet, a document must be filed and accepted by the Clerk before 4:30 p.m. Pacific Time on the last working day of the previous month.
  - c. Each entry will include:
    - i. Individual Claim Number(s);
    - ii. The descriptive title;
    - iii. The names of the parties;
    - iv. The filing date.
- 4. The Docket Sheet will also include:
  - o Individual Claim Number(s)

- o Date and time of hearing
- o Subject of the hearing
- o Parties involved in the hearing

5. All timelines begin after a document has been filed, accepted, and published on the Docket Sheet.



(Click [here](#) for how to read a docket sheet)

## 6. Motion Practice

### A. Issues of Broad Legal Importance:

These follow the procedures outlined in Section 6 below.

### B. Hearing Dates:

1. After appearing on the Docket Sheet for three months, a Motion will be heard on the third Tuesday of the third month following its first appearance.

Example:

A Motion filed on January 30, 2026, would appear on the February Docket Sheet. The hearing would then be held on May 19, 2026 (the third Tuesday of the third month after first publication).

### C. Filing Motions:

Motions must be filed together with any supporting briefs or documents.

### D. Notice of Intent to Participate:

1. To respond to a Motion, you must:

a. File your response by 4:30 p.m. Pacific Time on the last working day of the month in which the Motion first appeared on the Docket Sheet; and

b. Include in your Notice of Intent to Participate:

- i. Your phone number;
- ii. Your mailing address;
- iii. Your email address (if applicable).

#### **E. Response Briefs:**

All briefs and documents supporting or opposing a Motion must be filed by 4:30 p.m. Pacific Time on the last working day of the month in which the Motion first appeared on the Docket Sheet.

#### **F. Reply Briefs:**

Reply briefs must be filed by 4:30 p.m. Pacific Time on the last working day of the month in which the response brief first appeared on the Docket Sheet.

Example of brief schedule:

- Motion filed: January 30, 2026 (last working day of the month)
- First appearance of Motion on Docket Sheet: February 9, 2026 (the 7<sup>th</sup> day of the month)
- Filing Deadline for Notice of Intent to Participate: February 27, 2026
- Notices of Intent to Participate Appear on Docket Sheet: March 9, 2026
- Filing Deadline for Response Briefs: March 31, 2026 (last working day of the month)
- Response Briefs Appear on Docket Sheet: April 7, 2026 (the 7<sup>th</sup> day of the month)
- Filing Deadline for Reply Briefs: April 30, 2026 (last working day of the month)
- Reply Briefs Appear on Docket Sheet: May 7, 2026 (the 7<sup>th</sup> day of the month)
- Hearing Date: May 19, 2026

#### **G. Extensions (Motions for Additional Time):**

1. If you need additional time, you must:
  - a. File the motion as soon as you know you need more time;
  - b. Provide a valid reason;
  - c. Contact all parties who filed a Notice of Intent to Participate;

- d. Contact the party who filed the original Motion;
  - e. Include in the first paragraph a detailed summary of your efforts to contact all parties.
2. If you know whether the other parties oppose the extension, you must state their position in the first paragraph.

#### **H. Motions to Shorten Time:**

1. Until further notice, Motions to Shorten Time will not be considered.

### **7. Issues of Broad Legal Importance:**

#### **A. Motion to Designate:**

1. Any party may file a Motion to Designate an Issue of Broad Legal Importance.
2. The Motion must include:
  - a. A short and plain statement of the issue;
  - b. Why separate designation is necessary;
  - c. Why early resolution is needed;
  - d. The type of rights affected;
  - e. How those rights will be affected.

#### **B. Scheduling and Notice:**

1. After filing such a Motion, you do not need to separately note it for hearing. The Court will set the briefing schedule and hearing date and provide notice through the Docket Sheet.

#### **C. Oral Argument:**

1. Any party may argue the Motion. The Court may limit argument time.

#### **D. Court-Initiated Designation:**

1. The Court may issue a Notice of Intent to Designate an Issue of Broad Legal Importance.

#### **E. Participation:**

1. Once designated, any party wishing to participate must file a Notice of Intent to Participate within thirty (30) days after publication of the Order in the Docket Sheet, unless otherwise directed.

2. Only parties who file a Notice of Intent to Participate may file additional documents or present oral argument on that issue.

3.If the Court determines that too many parties seek oral argument, it may require aligned parties to select lead counsel to present argument. In doing so, the Court may refer to the *Manual for Complex Civil Litigation (4th ed.)*.

**8. Party Responsibilities:**

A. All parties and attorneys must notify the Court and the Department of Ecology of:

1. Changes in mailing or email address;
2. Transfers or changes in land or Claim ownership;
3. Changes in attorney representation;
4. Any other matters required under [Civil Rule 25](#).

**9. Other:**

A. Except as modified above, the Washington Civil Rules governing notice and procedure apply.