

_____ Court of Washington, County of _____

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Motion for Reconsideration
(MTRC)

Motion for Reconsideration

*Use this form if you believe the court's decision was legally incorrect or you have newly discovered evidence, and you want the **same judge or commissioner** to reconsider their decision. If you want a judge to review a commissioner's decision, use the Motion for Revision (form PO 110).*

To the person filing this motion:

Deadline! Your papers must be filed and served within **10 days** after entry of the order you want reconsidered, or by the deadline for reconsideration in your county's Local Court Rules, whichever is later. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your motion, you **must**:

- File your original documents with the court clerk; AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Schedule a hearing on your motion to take place within **30 days** after entry of the order you want reconsidered, unless your Local Court Rules or a court order allows more time.
- Check your Local Court Rules for any additional requirements for reconsideration.

Extend temporary surrender of weapons

If you had a temporary *Order to Surrender and Prohibit Weapons*, your full protection order was denied, and you are filing this motion to ask a judge or commissioner to reconsider that denial, the court must extend the temporary *Order to Surrender and Prohibit Weapons* until your motion is decided. The court can decide not to extend if it finds that extending would be a manifest injustice.

To get the extension, when you file this motion **you must also present** a proposed *Order Extending Order to Surrender and Prohibit Weapons*, WS 400, to a judicial officer to sign before the deadline for reconsideration passes.

To the person receiving this motion:

Check your Local Court Rules to see if you are allowed to file a response to a *Motion for Reconsideration*. In some counties, no response is allowed unless the court specifically requests it.

If a response is allowed (or the court asks you to respond) and you do not agree with the motion, file a declaration with the court clerk explaining why the court should not approve the motion. Use form PO 018, *Declaration*. You must have a copy of your papers served on all other parties or their lawyers.

1. Relief Requested

My name is: _____ . I ask the court to reconsider the following previous order/s issued on (date) _____ by (judge or commissioner's name) _____ :

Protection Order

Order to Surrender and Prohibit Weapons

Denial Order

Other: _____

2. Errors in the previous order/s

The previous order/s were incorrect in the following ways:
(List each part of the order/s you think is wrong. Explain why it is wrong based on the law, the evidence presented at the hearing, and/or any newly discovered evidence. Explain what the court should have ordered.)

3. Statement of Facts/Grounds

These facts support my request (list facts that are supported by the evidence):

4. Evidence Relied Upon

This evidence supports my request (*list evidence in the petition, response, declarations, other documents filed, testimony from the hearing, newly discovered evidence*):

5. Legal Authority

I ask the court to reconsider its previous order based on Civil Rule 59(a):

Grounds for New Trial or Reconsideration. On the motion of the party aggrieved, a verdict may be vacated and a new trial granted to all or any of the parties, and on all issues, or on some of the issues when such issues are clearly and fairly separable and distinct, or any other decision or order may be vacated and reconsideration granted.

Specifically, my motion is based on one or more of the following reasons in CR 59(a) that materially affect my substantial rights (*check all that apply*):

- Irregularity** in the proceedings of the court or the other party, or any order of the court, or abuse of discretion, by which I was prevented from having a fair hearing;
- Misconduct** of prevailing party;
- Accident or surprise** which ordinary prudence could not have guarded against;
- Newly discovered evidence**, material to my case, which I could not with reasonable diligence have discovered and produced at the hearing;
- Damages** so excessive or inadequate as unmistakably to indicate that the decision must have been the result of passion or prejudice;
- Error** in the amount of recovery whether too large or too small for the injury or detention of property;
- That there is no evidence** or reasonable inference from the evidence to justify the decision, or that it is contrary to law;
- Error in law occurring** at the hearing that I objected to at the time; or
- That substantial justice has not been done.**

And the following other legal authority (if any):

6. Proposed Order

A proposed order (*check one*): is is **not** attached to this *Motion*.

Person making this motion fills out below

I certify under penalty of perjury under the laws of the state of Washington that all the information provided in this motion is true and correct.

Signed at (*city and state*): _____ Date: _____

▶ _____
Person making this motion signs here *Print name here*

I agree to accept legal papers for this case at (*check one*):

- my lawyer’s address, listed below.
- my email address: _____
- the following address (*this does not have to be your home address*):

street address or PO box *city* *state* *zip*

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Law Enforcement and Confidential Information form, PO 003.)

Lawyer (if any) fills out below

▶ _____
Lawyer signs here *Print name and WSBA No.* *Date*

Lawyer’s address *city* *state* *zip*

Email (*if applicable*): _____

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed Cover Sheet* (form All Civil 040). You may ask for an order to seal other documents.