# Superior Court of Washington

**County of Snohomish**

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| In re the Marriage of:  JANE D. SMITH,  Petitioner,  and  JOHN D. SMITH,  Respondent. | **No.** 55-5-55555-55  **PETITIONER’S MOTION TO COMPEL DISCOVERY RESPONSES** |

**I. MOTION**

1. **Requested Relief**. Petitioner, Jane Smith, moves the Court for an order which provides the following relief:

A. Requires Respondent, John Smith, to answer and respond to Petitioner’s First Interrogatories and Requests for Production to Petitioner by July 15, 2020.

B. Sets a return hearing for July 16, 2020 for determination of sanctions, should Respondent fail to answer and reply by the July 15 deadline.

C. Provides that if Respondent fails to meet the July 15 deadline, the sanctions might include an award of attorney fees and a prohibition against Respondent offering evidence, testimony, or argument at trial regarding the issues upon which discovery was sought, including but not limited to his alleged separate property assets, income, and employment.

D. Awards Petitioner $500 in attorney’s fees for having to hire Genesis Law Firm to assist in bringing this motion.

2. **Statement of Facts**. See subjoined declaration.

3. **Issues**.

A. Whether Respondent should be ordered to answer and respond to discovery.

B. Whether Respondent should be prohibited from offering evidence, testimony, and argument at trial regarding the issues upon which discovery was sought.

C. Whether Petitioner should be awarded $500 in attorney’s fees for having to hire Genesis Law Firm to assist in bringing this motion.

4. **Evidence Relied Upon**. A) Subjoined declaration of Petitioner and B) such other pleadings and documents already within the Court’s file.

4. **Legal Authority**. CR 37.

DATED this \_\_\_\_\_\_ day of November, 2020.

JANE SMITH

Pro Se Petitioner

**II. SUBJOINED DECLARATION OF PETITIONER**

1. I, Jane Smith, am the Petitioner in the above-captioned marital dissolution action.

2. On April 15, 2020, I propounded my First Interrogatories and Requests for Production to Respondent by mail to the opposing party, John Smith. The discovery request was mailed by and through paralegal, Alexandra Buchholz, of Genesis Law Firm. A true and correct copy of the declaration of mailing is attached as **Exhibit A**.

3. More than 30 days have elapsed, and Respondent has not yet supplied answers or responses to my discovery requests.

4. **CR 26(i) Conferences**. On June 1, 2020, Respondent and I conducted a CR 26(i) discovery phone conference regarding Respondent’s failure to provide discovery responses. I said I would not file a motion to compel so long as I received Respondent’s responses by June 15, 2020. Attached as **Exhibit B** is a true and correct copy of an email confirming this. That deadline has passed, and I still have not received Respondent’s answers or responses.

5. Copy of Discovery Requests. Attached as **Exhibit C** is a true and correct copy of the discovery requests in issue, Petitioner’s First Interrogatories and Requests for Production Propounded Upon Respondent.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at [City & State] on [Date].

Signature:

JANE SMITH, Petitioner