

## Michelle J. Cook

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**From:** jbdolan@jbdolan.com  
**Sent:** Thursday, May 18, 2023 3:57 PM  
**To:** Michelle J. Cook; rcarroll@wavecable.com  
**Subject:** Proposed Change to Local Rule CR 41  
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Ms. Cook:

Please see the attached proposed change to Local Rule CR 41.

Jim Dolan

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Proposed Change to Local Rule CR 41 – Dismissal of Actions

May 18, 2023  
James B. Dolan  
WSBA No. 29190

## **CR 41 – DISMISSAL OF ACTIONS**

### **(a) Voluntary Dismissal**

(1) *Mandatory.* Subject to the provisions of rules 23(e) and 23.1, any action shall be dismissed by the court:

(A) By stipulation. When all parties who have appeared so stipulate in writing, or

(B) By Plaintiff before resting. Upon motion of the plaintiff at any time before plaintiff rests at the conclusion of plaintiff's opening case, or

(C) Involuntary Treatment Act. In cases filed pursuant to RCW 71.05, the court shall have discretion to deny a motion to dismiss and appoint a Guardian ad Litem to investigate and report to the court regarding whether the proposed dismissal is in the best interest of the Respondent.