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The Presid

Motion Hearing: Tuesday, June 18, 2024 at 10:00 a.m.

SMC Room 1103

With Oral Argument

IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE  
KING COUNTY, WASHINGTON

THE CITY OF SEATTLE, a municipal  
corporation,

Plaintiff,

vs.

MILES OLIVER HUDSON, a single person,

Defendant.

Civil Case No.: 1240000005

CITY OF SEATTLE'S MOTION FOR  
AN ORDER OF DEFAULT

**I. RELIEF REQUESTED**

Plaintiff, the City of Seattle (City), moves for an Order of Default pursuant to CRLJ 55 against Defendant, Miles Oliver Hudson (Hudson), because he failed to appear, plead, or otherwise defend the City's complaint for affirmative relief against him within 20 days of being personally served with the Summons and Complaint. The venue in this action is proper because the cause of action for civil penalties, or some part thereof, arose or occurred in the City of Seattle and involves a violation of the Seattle Municipal Code.

**II. STATEMENT OF FACTS**

This case involves a code enforcement action for a nuisance noise violation caused by a vehicle which has been modified to be excessively loud. Hudson is a registered owner and operator of the subject 2023 Dodge Charger, VIN 2C3CDXL97PH503197, Washington License Number CKG6773

1 (Charger). On May 7, 2024, the City filed a Complaint for Civil Penalties. On May 10, 2024, the City  
2 effected personal service upon Hudson through a process server. *See* Declaration of Cindi Williams  
3 Exhibit A (Declaration of Service). More than twenty (20) days have elapsed since the date of service  
4 of the Summons and Complaint and Hudson has failed to answer or appear<sup>1</sup> in any way. Defendant's  
5 answer was due on May 30, 2024.

### 6 **III. ISSUE**

7 Should the Court grant the City's Motion for Default pursuant to CRLJ 55 when Hudson has  
8 failed to appear, plead, or otherwise defend against the City's Complaint after being properly served?

### 9 **IV. EVIDENCE RELIED UPON**

10 This motion is based on the declaration of Cindi Williams and attached exhibits, and the  
11 pleadings, declarations, records, and exhibits on file with the court.

### 12 **V. AUTHORITY**

13 Civil Rules for Courts of Limited Jurisdiction (CRLJ) Rule 55(a)(1) provides in part:

#### 14 **(a) Entry of Default.**

15 (1) *Motion.* When a party against whom a judgment for affirmative relief is sought  
16 has failed to appear, plead, or otherwise defend as provided by these rules and that  
fact is made to appear by motion and affidavit, a motion for default may be made.

17 The Rule provides for notice of at least 5 days before the hearing when a party has appeared but, "Any  
18 party who has not appeared before the motion for default and supporting affidavit are filed is not  
entitled to a notice of the motion . . . ." CRLJ 55(a)(3).

19 In this case, the City effected personal service on Hudson and his answer was due on May 30,  
20 2024. Hudson has not appeared or answered in this case except for sending an email. Even though he  
21 has not formally appeared, the City has sent notice of this motion to Hudson as a courtesy.  
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23 <sup>1</sup> The City has received an email from Mr. Hudson regarding his vehicle, and an email from Mr. Hudson's mother regarding the case and the vehicle. *See* Declaration of Cindi Williams.

1 **VI. CONCLUSION**

2 For the reasons set forth herein, Plaintiff requests this court grant the City's Motion for Default.  
3 A proposed order granting the relief requested accompanies this motion.

4 SIGNED this 31<sup>st</sup> day of May, 2024.

5  
6 ANN DAVISON  
7 Seattle City Attorney

8 By: /s/ Cindi Williams  
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