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Motion Hearing: Tuesday, September 10, 2024, at 10:00 a.m.  
The Presiding Court  
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'S RESPONSE TO DEFENDANT'S  
MOTION TO STRIKE SHOW CAUSE  
HEARING

## I. RELIEF REQUESTED

Plaintiff, The City of Seattle (City), joins the Defendant in his Motion to Strike the Continued Show Cause hearing scheduled for September 10, 2024. The City therefore also asks the Court to deny the Defendant's Motion to Vacate the Court's Order of Default and Order of Default Judgment against the Defendant, Miles Oliver Hudson (Defendant) pursuant to CRLJ 60. The Defendant has not provided competent evidence to support his motion and has not provided evidence to support elements required for the Court to vacate its Orders. The Defendant has asked that a testimonial hearing that the Court set for his benefit be stricken. Therefore, the Court's Orders should stand, and the Court should enter an order denying his motion. The City has included the proposed order provided previously.

## II. EVIDENCE RELIED UPON

This response is based on the pleadings and records already on file with this Court, the

CITY’S RESPONSE TO DEFENDANT’S MOTION TO STRIKE SHOW CAUSE HEARING - 1

(SMC Civil Case No. 1240000005 | City v. Hudson)

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1 Declaration of Frank Marshall, the Declaration of Cindi Williams in Support of the City’s Response  
2 to the Defendant’s Motion for Order to Show Cause re: Vacate Judgment/Order, and the Supplemental  
3 Declaration of Cindi Williams.

### 4 III. LEGAL AUTHORITY AND ARGUMENT

5 The Defendant makes his motion pursuant to Civil Rule for Courts of Limited Jurisdiction  
6 (CRLJ) 60. Initially, the City’s Motion for Default was granted pursuant to CRLJ 55. The rule on  
7 setting aside that judgment provides, “For good cause shown and upon such terms as the court deems  
8 just, the court may set aside an entry of default and, if a judgment by default has been entered, may  
9 likewise set it aside in accordance with rule 60(b).”<sup>1</sup> A decision to set aside an Order of Default is  
10 within the sound discretion of the trial court.<sup>2</sup>

11 If a Court finds that the declarations raise an issue of fact that may be resolved with an  
12 evidentiary hearing, it is within the Court’s discretion to hold that at a future date.<sup>3</sup> The Court set such  
13 a hearing, but the Defendant has asked that this hearing be stricken without explanation. This is a  
14 continued hearing on the Defendant’s motion. Without further testimony, there is ample evidence in  
15 the record to establish that the Defendant was served and that the default orders were properly entered.

16 The Defendant has not shown good cause for setting aside the default in this case. CRLJ  
17 55(c)(1). He has asked that the continued Show Cause Hearing be stricken. The record contains ample  
18 evidence that the Defendant was properly served and that this Court properly exercised its discretion  
19 in entering the default orders. The Court set a hearing to hear testimony about service, which the  
20 Defendant has asked the Court to strike.

21 Additionally, this Court can also exercise its discretion to deny the Defendant’s motion as he  
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23 <sup>1</sup> CRLJ 55(c)(1).

<sup>2</sup> *Fowler v. Johnson*, 167 Wash.App. 596, 604, 273 P.3d 1042 (2012).

<sup>3</sup> *Woodruff v. Spence*, at 210.

1 has presented absolutely no evidence of a defense to the causes of action plead in the City's Complaint  
2 even though he has had additional time to do so.<sup>4</sup>

3 **VI. CONCLUSION**

4 Therefore, the City respectfully joins the Defendant's motion to strike his Show Cause  
5 hearing, and requests that Defendant's Motion to Set aside the Order of Default and Order on Default  
6 Judgment be denied.

7 DATED this 9<sup>th</sup> day of September 2024.

8 ANN DAVISON  
Seattle City Attorney

9 By: /s/ Cindi Williams  
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19 *Attorneys for Plaintiff, The City of Seattle*

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<sup>4</sup> See City's Response to Defendant's Motion to Set Aside Order of Default and Vacate Judgment, pp 4-5.

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*/s/ Natasha Iquina*  
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