

**Chapter 4.36 RCW
GENERAL RULES OF PLEADING**

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RCW 4.36.070 Pleading judgments. In pleading a judgment or other determination of a court or office of special jurisdiction, it shall not be necessary to state the facts conferring jurisdiction, but such judgment or determination may be stated to have been duly given or made. If such allegation be controverted, the party pleading shall be bound to establish on the trial the facts conferring jurisdiction. [Code 1881 s 96; 1877 p 21 s 96; 1854 p 142 s 58; RRS s 287.]

Rules of court: *Cf. CR 9(e).*

RCW 4.36.080 Conditions precedent, how pleaded. In pleading the performance of conditions precedent in a contract, it shall not be necessary to state the facts showing such performance, but it may be stated generally that the party duly performed all the conditions on his or her part; and if such allegation be controverted, the party pleading shall be bound to establish, on the trial, the facts showing such performance. [2011 c 336 s 105; Code 1881 s 97; 1877 p 21 s 97; 1854 p 142 s 59; RRS s 288.]

Rules of court: *Cf. CR 9(c).*

RCW 4.36.120 Libel or slander, how pleaded. In an action for libel or slander, it shall not be necessary to state in the complaint any extrinsic facts, for the purpose of showing the application to the plaintiff, of the defamatory matter out of which the cause arose, but it shall be sufficient to state generally, that the same was published or spoken concerning the plaintiff; and if such allegation be controverted, the plaintiff shall be bound to establish on trial that it was so published or spoken. [Code 1881 s 99; 1877 p 22 s 99; 1854 p 142 s 61; RRS s 292.]

Rules of court: *Cf. CR 8.*

RCW 4.36.130 Answer in justification and mitigation. In an action mentioned in RCW 4.36.120, the defendant may, in his or her answer, allege both the truth of the matter charged as defamatory, and any mitigating circumstances to reduce the amount of damages; and whether he or she proves the justification or not, he or she may give

in evidence the mitigating circumstances. [2011 c 336 s 106; Code 1881 s 100; 1877 p 22 s 100; 1854 p 143 s 62; RRS s 293.]

RCW 4.36.140 Answer in action to recover property distrained.

In an action to recover the possession of property distrained doing damage, an answer that the defendant or person by whose command he or she acted, was lawfully possessed of the real property upon which the distress was made, and that the property distrained was at the time doing the damage thereon, shall be good, without setting forth the title to such real property. [2011 c 336 s 107; Code 1881 s 101; 1877 p 22 s 101; 1854 p 143 s 63; RRS s 295.]

RCW 4.36.170 Material allegation defined. A material allegation in a pleading is one essential to the claim or defense, and which could not be stricken from the pleading without leaving it insufficient. [Code 1881 s 104; 1877 p 22 s 104; 1854 p 143 s 65; RRS s 298.]

RCW 4.36.210 Variance in action to recover personal property.

Where the plaintiff in an action to recover the possession of personal property on a claim of being the owner thereof, shall fail to establish on trial such ownership, but shall prove that he or she is entitled to the possession thereof, by virtue of a special property therein, he or she shall not thereby be defeated of his or her action, but shall be permitted to amend, on reasonable terms his or her complaint, and be entitled to judgment according to the proof in the case. [2011 c 336 s 108; Code 1881 s 108; 1877 p 23 s 108; 1869 p 27 s 106; 1856 p 10 s 11; RRS s 302.]

RCW 4.36.240 Harmless error disregarded. The court shall, in every stage of an action, disregard any error or defect in pleadings or proceedings which shall not affect the substantial rights of the adverse party, and no judgment shall be reversed or affected by reason of such error or defect. [Code 1881 s 113; 1877 p 24 s 113; 1854 p 144 s 71; RRS s 307.]

Rules of court: Cf. RAP 2.4(a), 18.22.