

**SUPPLEMENT TO GENERAL ORDER
JUDGE CARL E. ROSS
CIVIL 2 CALENDAR
MARCH 2023**

I. CHAMBERS AND STAFF

Judge: Carl E. Ross

Chambers: Room 3640
Moultrie Courthouse
500 Indiana Avenue N.W.
Washington, DC 20001

Phone: (202) 879-8363

Email Address: JudgeCRossChambers@dcsc.gov

Law Clerks: Margaret Arabpour
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Courtroom: Courtroom 200
Moultrie Courthouse

II. IN PERSON AND REMOTE OPERATIONS

At this time, **all Trials (jury and non-jury), Pretrial Conferences, Contested Evidentiary Hearings, and Contested Motions Hearings will be conducted in person in Courtroom 200.** All parties, counsel and witnesses must be physically present in the courtroom unless they have been expressly permitted by Judge Ross, in advance of the proceeding, to participate remotely.

All other types of proceedings will be conducted remotely in Virtual Courtroom 200.

Parties and counsel may access Virtual Courtroom 200 in the following ways:

- (1) Going to the WebEx website at <https://dccourts.webex.com/meet/ctb200> or going to <https://dccourts.webex.com> and, under “Join a Meeting,” entering Courtroom Alias ctb200; or
- (2) Downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb200>; or
- (3) Calling 1-844-992-4726 or 202-860-2110 and entering meeting ID number 179 813 6225 #, then # again.

Parties having trouble connecting to their remote hearing may contact chambers at JudgeCRossChambers@dcsc.gov. Staff will be monitoring the e-mail closely during hearings. **Failure to appear at a proceeding, including remote proceedings, may result in dismissal of a case or entry of default.**

Exhibits: If a party or counsel intends to rely on exhibits or other documents during the hearing, the party or counsel must e-mail the exhibits to the Court at JudgeCRossChambers@dcsc.gov, copying all parties, no later than 5:00 p.m. the day before the hearing. The party or counsel must also file the exhibits on the docket using the EFILEDC system and provide a copy of the exhibit to any witness before the hearing. The exhibits must be separately labeled so that they can be easily identified by all parties and the Court during the hearing.

III. VIRTUAL COURTROOM PROTOCOL

All counsel are required to appear via WebEx video and log in so that their name appears on the screen, absent extenuating circumstances that make it necessary for them to appear via telephone. All parties are highly encouraged, but not required, to appear via WebEx video and must identify themselves by name.

When entering the virtual courtroom (by dialing in on a phone, or signing in through the website or app), the party should not attempt to speak because another hearing may be underway. Each party should be automatically muted by the courtroom clerk when you first arrive. If you are using the WebEx website or the app, you may check in with the courtroom clerk using the “chat” function. If you are on a telephone, you should wait for your case to be called.

Counsel and parties are reminded that Administrative Order 20-08 strictly forbids the audio and/or video recording of virtual hearings, including the taking of screenshots; individuals found to have violated this Order may be subject to contempt or other sanctions.

IV. COMMUNICATION WITH CHAMBERS

Except as specifically authorized in this Supplement, no party or lawyer may contact chambers by telephone. Judge Ross' staff will not provide advice of any kind about court rules, practices, or procedures. Judge Ross does not accept letters from parties or lawyers about a case. If a party needs clarification of any rule, practice, or procedure, it should file a motion.

In extraordinary circumstances, parties may contact chambers *jointly* concerning urgent scheduling issues.

V. CONTACT INFORMATION

Consistent with Superior Court Rule of Civil Procedure 10-I(b), attorneys must include an email address in all filings, along with a mailing address and phone number. In addition to including a mailing address and phone number in all filings, *pro se* litigants must also include an email address, if one is available.

VI. WEEKLY SCHEDULE

Unless otherwise directed, matters in front of Judge C. Ross will generally take place as follows:

Pretrial/Settlement Conferences: Tuesdays, Wednesdays and Thursdays at 9:30 a.m. and 2:30 p.m.

Trials: Mondays through Thursdays from 9:30 a.m. until 4:45 p.m.

Scheduling Conferences, Oral Examinations, Ex Parte Proofs, and other matters: Fridays beginning at 9:30 a.m.

Motions Hearings: As scheduled by Chambers.

VII. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set in Superior Court Rule of Civil Procedure 16(b)(2), Judge Ross will approve a Civil Action Form 113 (Praecipe Requesting Schedule Order) submitted up to 2:00 p.m. on the day prior to the scheduling conference date. In cases in which all parties are represented by counsel and there are no pending motions or other matters requiring the Court's attention, Judge Ross strongly encourages attorneys to consult with opposing counsel and submit a CA Form 113 rather than appearing in court for a scheduling conference.

VIII. MOTIONS

Consent to motions: The title of all motions should indicate whether they are opposed or unopposed. Judge Ross strictly enforces the requirement in Superior Court Rule of Civil Procedure Rule 12-I(a) that, before a party files a non-dispositive motion, except motions filed pursuant to Rule 11, the moving party must make a good faith effort to discuss the motion with other parties to determine if there is any opposition and to narrow the areas of disagreement. If a party does not include such a certification, Judge Ross may summarily deny the motion.

Proposed order: Administrative Order 06-17 requires a party filing a motion to submit electronically to chambers at JudgeCRossChambers@dcsc.gov a proposed order *in a format that can be edited* (preferably Microsoft Word). The proposed order must include, after the signature block for the Judge, a list of all attorneys who are to be eServed, the party they represent, as well as the name and address of any *pro se* party to be served. Counsel's adherence to this Administrative Order assists the Court in ruling on motions and informing counsel of the Court's decision in a timely and expeditious manner. Judge Ross may summarily deny a motion if a proposed order is not submitted.

Length of filings: No party may submit a motion or opposition with a legal memorandum exceeding fifteen (15) double-spaced pages in length without leave of Judge Ross. Judge Ross grants leave to file longer documents only in extraordinary circumstances. If a party fails to comply with this rule, Judge Ross may summarily deny or strike the motion.

Reply briefs: No party may submit a reply to an opposition more than five (5) double-spaced pages long without leave of Judge Ross. Surreplies may not be filed without leave of Judge Ross.

Paper copies: Judge Ross has suspended the requirement in Administrative Order 06-17 that a party provide a paper copy of any filing that exceeds twenty-five (25) pages in length, unless requested to do so. Parties will instead submit courtesy copies of any such filing (including exhibits and attachments) to JudgeCRossChambers@dcsc.gov and to Chambers by designating JudgeCRossChambers@dcsc.gov as a "Service Contact not associated with a party on the case" when e-filing.

Motions *in limine*: To the extent practicable, Judge Ross will generally rule on motions *in limine* at the Pretrial Conference. In accordance with Superior Court Rule of Civil Procedure 16(d), parties must file motions *in limine* at least three (3) weeks prior to the pretrial conference, and oppositions to such motions must be filed no later than one (1) week prior to the pretrial conference.

Consolidated motions: A party should raise in one motion all of the grounds for the relief it seeks. For example, a party should file one summary judgment motion or one motion *in limine*, even if the party seeks summary judgment on multiple grounds or pretrial rulings on multiple issues. If a consolidated motion exceeds the Court's usual page limit, the party may file, with the consolidated motion, a motion for leave to file a brief exceeding the page limit. Such requests are

ordinarily granted because consolidated motions are more efficient and require fewer total pages than separate motions.

Motions for default judgment: A party seeking a default judgement must timely apply to the Court for a default judgment either by motion or by praecipe, served on all parties, requesting the setting of an Ex Parte Proof Hearing pursuant to Rule 55(b)(2). A party filing a motion for default judgment should obtain the affidavit required by the federal Servicemember Civil Relief Act (Form CA 114) no more than thirty (30) days prior to moving for default judgment. The Court has discretion to require parties that submit an affidavit that is dated more than thirty (30) days prior to the filing for default judgment to submit a more recent affidavit.

Motions to reschedule a hearing: Any motion to reschedule a hearing must suggest three (3) alternative dates on which all counsel, unrepresented parties, and other necessary parties will be available.

Emergency motions: Parties should request expedited action only in truly urgent situations. Parties and attorneys should be aware of the requirement of Rule 12-I(e) that the non-moving party be granted fourteen (14) days within which to file a written opposition. Merely because a party labels a pleading as an “emergency motion” does not mean that the Court will act on an expedited basis. A party filing an emergency motion must send a courtesy copy of the motion by email to Judge Ross’ chambers staff and to the other parties.

E-filed motions: It generally takes up to two (2) business days for the Clerk’s Office to process filings. If a party has a question about the status of a pending motion, it should check online at <http://eaccess.dccourts.gov/eaccess/>, contact the Clerk’s Office at (202) 879-1133, or check Odyssey.

IX. MOTIONS TO COMPEL DISCOVERY

A party filing a motion to compel discovery must comply with the requirements of Superior Court Rules of Civil Procedure 26(h) and 37(a).

A party filing a motion to compel must contact Judge Ross’ chambers within two (2) business days of filing the motion and provide three (3) possible dates within the following two (2) weeks on which all counsel and unrepresented parties will be available for a hearing on the motion.

Judge Ross will presumptively award attorney’s fees and costs associated with litigating the motion to the prevailing party, pursuant to Rule 37(a)(5). Parties should bring documentation of their fees to any hearing on the motion. The parties are encouraged to resolve discovery disputes prior to any discovery hearing, and the moving party may file a praecipe withdrawing the motion to compel if parties are able to reach resolution.

X. PRETRIAL CONFERENCES AND PRETRIAL STATUS HEARINGS

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend mediation sessions and pretrial conferences in person. Any request to excuse a non-party principal from personal attendance at a mediation, pretrial conference, or settlement conference should be made by motion at least two (2) weeks prior to the date of the conference.

Joint pretrial statements: Counsel and parties are reminded that Superior Court Rule of Civil Procedure 16(e) requires the filing of a Joint Pretrial Statement no later than one (1) week prior to the pretrial conference. Judge Ross may *sua sponte* cancel and continue a pretrial conference if the parties have not timely filed the Joint Pretrial Statement.

Pretrial status hearing: At the pretrial conference, the Court will schedule a trial date as well as a status hearing to occur no later than two (2) weeks prior to trial (and preferably on the Friday immediately prior to trial). At that status hearing, counsel and unrepresented parties are required to appear and be prepared to discuss *voir dire* questions and procedures, scheduling concerns, any remaining evidentiary issues, and other matters requiring the Court's attention prior to trial.

XI. TRIALS

Schedule: Trials are scheduled to begin on Mondays at 9:30 a.m., and thereafter generally are held between 9:30 a.m. and 4:45 p.m. Parties and counsel should be prepared, however, to begin trial on Monday, Tuesday, Wednesday, or Thursday during the week that the trial is scheduled. Judge Ross generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 p.m. and 2:00 p.m.

Trial Status Update: On the Wednesday preceding a trial date, the parties must email chambers to inform the Court whether the parties expect to proceed on the scheduled trial date. If the parties' expectations change at any point before the date of trial, the parties must update chambers by email.

Rule on Witnesses: Judge Ross enforces the rule on witnesses for all jury trials, non-jury trials, and evidentiary hearings. Accordingly, each party is responsible for ensuring that their non-party witnesses are not logged into the trial or evidentiary hearing at any point other than when they are testifying. Prior arrangements should be made so that witnesses can appear on camera and be isolated from other witnesses and third parties when testifying.

Juror Notes: The Court allows jurors to take notes.

Exhibit Index: On the first day of trial, each party must give to the courtroom clerk an Exhibit Summary Form. Parties may obtain this form from the Clerk's Office or at www.dccourts.gov/sites/default/files/2017-06/dcsc15r1-06.pdf.

Custody of Exhibits: During trial, the parties may leave exhibits that have been admitted into evidence in the courtroom. After trial and until any appeal has ended or the time to appeal has run with no notice of appeal filed, each party is responsible for maintaining exhibits and other materials that should be part of the record on appeal.

Mid-trial Issues: If an issue arises during trial, Judge Ross expects parties to first attempt to resolve it themselves. Failing resolution, parties are expected to advise the Court by sending an email to Judge Ross' chambers staff and to all other parties.

Witness availability: Judge Ross will not delay the trial to accommodate a witness' schedule, except in extraordinary, unexpected, and documented circumstances. If a witness availability issue arises, a party must immediately notify other parties and chambers.

Availability during deliberations: Throughout jury deliberations, counsel must be available on five (5) minutes' notice. Counsel should give the courtroom clerk a telephone number where they can be reached.

Proposed Findings of Fact and Conclusions of Law: As a discretionary matter, the Court may require counsel to provide proposed findings of fact and conclusions of law at the close of the evidence.

XII. IN-PERSON COURTROOM PROTOCOL AND PROCEDURES

Addressing the Court: For in-person hearings, physically able attorneys and *pro se* parties are expected to stand when addressing the Court. Speaking objections are prohibited.

Questioning of Witnesses & Demonstrations: Questioning of witnesses must be conducted from behind the podium. Walking in the well of the courtroom is prohibited except as permitted by the Court. Permission is required to approach the Court. Any in-court demonstration requires prior permission of the Court.

Audio-Visual Equipment: Any attorney who desires to bring audio-visual equipment into the courtroom for trial or a hearing must secure a letter from the Court permitting the entry of such items into the courthouse, for presentation to security personnel. Such a letter must be obtained well in advance of the particular proceeding.

If a party intends to use court technology during a hearing, the party should send an email to Judge Ross' chambers staff and courtroomtechnology@dcsc.gov at least three (3) days before the hearing so the Court can be prepared to facilitate the use of its technology. The email should include a brief description of the technology the party wishes to use.

XIII. LANGUAGE ACCESS

The Court provides professional interpreters in all matters, when needed. The parties must notify the Court in advance of any hearing for which an interpreter will be needed, preferably two (2) weeks before the hearing they wish to have the interpreter attend. Family members, friends, counsel, or counsel's staff will not be permitted to interpret for parties or witnesses during a hearing.

XIV. PROFESSIONAL CONDUCT

Attorneys are expected to adhere to the D.C. Bar's Voluntary Standards of Civility in Professional Conduct in their dealings with one another and with other participants in the legal process. The Standards may be found on the D.C. Bar's Website at: <https://www.dcbbar.org/for-lawyers/legal-ethics/d-c-bar-voluntary-standards-of-civility-in-profess>.