Effective September 1, 2010

GENERAL ORDER

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I. SCOPE AND PURPOSE

This General Order is uniform for the Civil I and Civil II calendars. A Supplemental Order is attached to this General Order specifying any additional requirement(s) by the judge assigned to the individual calendar. This General Order supplements the Superior Court Civil Rules, which apply to every Calendar and with which counsel and *pro se* parties should be familiar. In addition, a **Civil Actions Information Handbook** is available at the Scheduling Conference for *pro se* parties and counsel who wish to share it with their clients. All counsel and parties are expected to treat each other and those involved in the case resolution process with dignity, respect and **civility**, both in court and in out-of-court conferences and discovery proceedings.

II. MOTIONS, OTHER FILINGS and COURT RECORDS

All filings by represented parties subsequent to the complaint and affidavits of service must be electronically filed and served. This applies to pending and newly-filed cases.
See http://www.dccourts.gov/efiling.

All requests must be by written motion (Rule 7(b)(1), 12-I(d)). The Court will not act on informal correspondence, e-mails or telephone calls, but appreciates notice by phone that an emergency motion is being filed. *Ex parte* communications are inappropriate and will not be accepted. Fees must be paid before filing.

All motions requesting a continuance of any hearings, conferences, etc., should include proposed continuance dates that are mutually agreeable to all counsel and unrepresented parties.

The **caption** of all filings should include "Judge _____" beneath the case number and on the lines below that, the next court date, and the nature of the scheduled event. E.g.

	)	
Plaintiff(s),	)	2010 CA 00XXXX 'Extender'[1]
	)	Judge XXXXXX
v.	)	Next Court Date _____
	)	Event _____
Defendant(s).	)	

[1] Proper caption format, including explanation of Extenders, is explained at www.dccourts.gov/efiling under frequently asked questions.

If the motion is made by an **unrepresented party (*pro se*)**, the original motion or other court filing and one copy plainly marked "**Chambers Copy**" shall be filed in the Clerk's Office, Suite 5000 (Rule 5(e)); no motions or other court filings should be faxed or e-mailed. A courtesy copy to chambers must be accompanied by (1) a **proposed order**, Rule 12-I(e); (2) a **copy of the scheduling order**, Rule 12-I(h); (3) a **mailing label** for each *pro se* party entitled to receive a copy of the order, (4) a statement that an attempt was made to obtain **consent to the relief sought**, Rule 12-I(a), and (5) a **certificate of service** on all parties and on Chambers, Rule 5-I. Ordinarily, motions that do not comply with these requirements will be **summarily denied without prejudice**. Memoranda that exceed ten pages in length are discouraged.

For eFiled motions, the filing must include a (1) proposed order, (2) certificate of service, and (3) statement that consent to the relief was sought. **Counsel shall include their email addresses in the signature blocks of all filings.** In addition, a separate electronic copy of any proposed order must be e-mailed to the judge's e-mail address at: JudgeXXXXXXEServe@dcsc.gov. The proposed order must be in a format that is capable of being edited. (Word or WordPerfect formats are preferred) All e-mails must have the following subject line: [CASE NUMBER – CASE NAME] e.g. "2008 CA 001234 B – Doe v. Doe." Do not include any other information in the subject line. No other correspondence shall be submitted to the Judge's eServe Inbox.

When filings are over twenty-five (25) pages, in total, a paper copy must be mailed or hand-delivered to Chambers. See Administrative Order 06-17. If *pro se* litigants or land parcels are parties, mailing labels for those individuals or entities need to be mailed to chambers. See Administrative Order 06-17. Please check Civil Rule 5(d) for which motions need a Certificate Regarding Discovery.

Every document filed electronically shall be deemed to have been signed by the attorney who made the filing or authorized the filing to be made. Each filing shall bear "/s/" or a typographical or imaged signature on the signature line. Below the signature line there shall appear the typed name, address, telephone number, e-mail address and bar number of the attorney who submitted the filing. See Civil Rule 5(e)(2)(B)(ii).

STIPULATIONS BETWEEN COUNSEL SHALL NOT BE EFFECTIVE TO CHANGE DEADLINES.

Motions will be decided on the papers alone, unless the Court determines the need for a hearing. **Counsel and *pro se* parties must immediately notify chambers if a pending motion is resolved or a case is settled.**

The official court record is CourtView. The docket and court filings are maintained electronically and may be viewed at terminals in the Civil Clerk's Office (**Suite 5000**). The docket also may be viewed on the court's public access site: https://www.dccourts.gov/pa.

III. DEFAULT JUDGMENTS AND SERVICEMEMBERS AFFIDAVITS

Where a defendant has failed to appear, a Form CA 114 in compliance with the Servicemembers Civil Relief Act must be filed in all cases, regardless of whether the default judgment is to be entered by the clerk or the Court. Caselaw interpreting the Servicemembers Civil Relief Act requires that the investigation into the defaulting party's military status be conducted contemporaneously with the entry of default. Accordingly, pursuant to this General Order, the **investigation** must have been conducted within **30 days prior to the filing of the CA Form 114**. If an affidavit contains a search that was carried out more than 30 days from the file date of the affidavit, it will be rejected by the Clerk's Office. Rule 55, 55-II (both applicable to Small Claims under Small Claims Rule 2); L&T Rules 11, 14 and 14-I.

IV. DISCOVERY

Motions to compel discovery and motions relating to discovery must comply with Rules 5, 26(i) and 37(a) and must include the various certifications required by Rule 37(a). The meeting required under the circumstances set forth in Rule 37(a) must be face to face, for a reasonable period of time (usually at least 60 minutes) in an effort to resolve the matter before filing a motion. Motions lacking any certification required by Rule 37(a), including the date, time, and place at which a meeting was held, will be **summarily denied.** Motions lacking a Certificate Regarding Discovery will not be accepted for filing.

V. SETTLEMENT

In order to reduce litigation expense and delay, to eliminate the anxiety of trial and the risk of an unsatisfactory outcome, it is desirable that settlements occur as early as possible in the litigation process. The Court and the Multi-Door Dispute Resolution Division are available to assist the parties in pursuing settlement early in the case. However, the Court will not delay trial to participate in settlement discussions on the day of trial. Counsel must sign a **certificate that all discovery has been completed by the time of mediation**. Counsel unable to sign the certificate, and, if necessary, their clients, may be sanctioned or summoned to appear before the Court for consideration of **further sanctions**.

VI. PRETRIAL/SETTLEMENT CONFERENCE

Violations of any provision of Rule 16 may result in sanctions. The attached form for **Joint** Pretrial Statements must be used and must include **joint** *voir dire* questions, jury instructions and verdict form -- with objections, if any.

Non-party principals whose authority may be needed to settle a case must attend in person, unless excused by the Court for good cause shown. Civil Rule 16(j).

VII. TRIAL

The Court expects parties will provide the Court with an exhibit list and a copy of the exhibits.

If it is anticipated that **audio or video equipment** is needed, the proffering party must bring its own equipment. In order to bring any audio or video equipment into the courthouse, a party must submit a Request for Authorization Letter to the Executive Office (202) 879-1700 located in Suite 1500 in the Moultrie Building, which in turn gives authorization to Courthouse Security. The request must contain the name of the party/attorney making the request, their address, telephone number, fax number, the case number, date and time of the trial, the name of the judge hearing the trial and the courtroom where the trial will be heard. In addition the request must indicate what type of equipment is being brought in and the name of the individual bringing in the equipment. The request may be faxed to the Executive Office at (202) 879-1802 at least three business days before the start of the trial.

If it is anticipated that an **interpreter** is needed, the proffering party may contact the Office of Court Interpreting Services (202) 879-4828 to obtain a list of qualified interpreters. Litigants in need of interpreters for themselves and/or their witnesses should make the judge aware of the need for an interpreter(s) as early as possible. **So Ordered**

Stephanie Duncan-Peters
Presiding Judge, Civil Division

Melvin R. Wright
Deputy Presiding Judge, Civil Division

Todd E. Edelman
Associate Judge, Civil Calendar 1

John M. Mott
Associate Judge, Civil Calendar 2

A. Franklin Burgess, Jr.
Associate Judge, Civil Calendar 3

Natalia M. Combs Greene
Associate Judge, Civil Calendar 4

Judith Bartnoff
Associate Judge, Civil Calendar 5

Brian F. Holeman
Associate Judge, Civil Calendar 6

Brook Hedge
Associate Judge, Civil Calendar 7

Alfred S. Irving
Associate Judge, Civil Calendar 8

Judith N. Macaluso
Associate Judge, Civil Calendar 9

Joan Zeldon
Associate Judge, Civil Calendar 10

Anita Josey-Herring
Associate Judge, Civil Calendar 11

Erik P. Christian
Associate Judge, Civil Calendar 12

John Ramsey Johnson
Associate Judge, Civil Calendar 13

Robert I. Richter
Associate Judge, Civil Calendar 14

Form of Joint Pretrial Statement To Be Served, Filed and Provided To Assigned Judge Before Pretrial Conference Pursuant to Rule 16(e)

_____	)	
Plaintiff,	)	**2010 CA 00XXXX 'Extender'**
	)	**Judge_____**
v.	)	**Pretrial Date_____Time___**
	)	**Trial Date_____Time_____**
_____	)	**(Jury) (Nonjury)**
Defendant.	)	

JOINT PRETRIAL STATEMENT

A. Certification of Rule 16(c) Meeting: State date, time and place of the meeting required to be held before pretrial to prepare joint statement and persons who attended.

B. Parties and Counsel: Names, addresses, and telephone numbers of all parties and counsel on whose behalf this statement is filed.

C. Nature of the Case: A brief mutually agreed upon, non-argumentative, neutral statement of the case suitable for reading to a jury as part of voir dire.

D. Claims and Defenses: Each party to set forth a concise statement of all claims and defenses, separately numbered, which that party is submitting for trial.

E. Undisputed Issues/Stipulations: List all issues not in dispute or facts stipulated.

F. Disputed Issues: List each disputed issue with the parties' principal contentions.

G. Requested Stipulations: List all facts to which other parties are asked to stipulate.

H. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.

I. Citations: List any cases or statutes which need to be called to the court's attention. Attach copies of any not found in D.C. Code, A.2d, or U.S. App. D.C., and include copies of any DCMR relied upon.

J. Pending Motions: List title, movant, and filing date of all pending motions.

K. Witnesses: Name, **address**, and telephone number of each person who may be called to testify. As to experts, list briefly matters about which each expert will testify. **Per Rule 16(e), no party may call at trial any witness omitted from that party's pretrial statement, except for impeachment or rebuttal purposes.**

L. Exhibits: Attach a completed Exhibit Summary Form (obtainable from Clerk's Office) listing-- by exhibit number and description -- each exhibit to be offered at trial. Any objections to another party's exhibits should be stated. Copies of such exhibits must be served on all other parties before pretrial. No exhibit shall be received at trial (except for impeachment) unless it was so listed and served, and exhibits so listed and served may be admitted at trial unless objection thereto is made before the pretrial **per Rule 16(e).** Original exhibits must be brought to pretrial for viewing; any party proposing to offer more than 15 exhibits must arrange them as described in Rule 16(f).

M. Depositions: Designate by page and line deposition testimony to be offered as substantive evidence.

N. Pleadings and Discovery Responses: Designate by page and paragraph of any pleading or discovery response to be offered as substantive evidence.

O. Demonstrative or Physical Evidence: Describe any blow-ups, models, samples, objects, etc., to be used at trial.

P. Videotapes: Identify any non-impeachment videotapes to be shown to the jury.

Q. Requested Voir Dire Questions: Identify questions agreed upon and those not agreed upon. Separate, duplicative lists of questions are unacceptable.

R. List of Standard Jury Instructions Requested: Identify instructions agreed upon and those not agreed upon.

S. Non-Standard Jury Instructions: Supply complete text of each instruction on a separate page. Authorities should appear separately from the text of the instruction.

T. Verdict Form: Full text of verdict form to be submitted to the jury.

U. Settlement: Minimum demand; maximum offer. [To be provided in all cases except non-jury trials.]

V. Estimated Length of Trial: _____ days.

"The foregoing Joint Pretrial Statement, as revised at the pretrial conference in the presence of the parties and counsel, shall stand as the pretrial order in this case."

Signatures