

SUPPLEMENT TO GENERAL ORDER- JUDGE FLORENCE PAN

I. CHAMBERS, STAFF AND SCHEDULE FOR CALENDAR 9

Judge: Florence Pan

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Courtroom: 415, Moultrie Building

Courtroom tel. no.: 202-879-1013

II. WEEKLY SCHEDULE

Unless otherwise directed, matters on Calendar 9 will take place as follows:

Pretrial/Settlement Conferences: Tuesdays, Wednesdays and Thursdays at 9:30 a.m. and 2:30 p.m.
Counsel and parties should report to courtroom 415.

Trials: Mondays, Tuesdays, Wednesdays, and 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.

Motion Hearings: As scheduled by Chambers.

III. COMMUNICATIONS WITH CHAMBERS

Except as specifically authorized in this Supplement, no party or lawyer may contact chambers by telephone. Judge Pan's staff may not and will not provide advice of any kind about court rules, practices or procedures. Judge Pan 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.

IV. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set forth in Rule 16(b) of the Superior Court Rules of Civil Procedure, Judge Pan will consider a Civil Action Form 113 (Praecipe Requesting Scheduling Order) filed at least four calendar days before the date of the scheduling conference. A praecipe filed later than the Monday preceding a Friday scheduling conference therefore will not be considered, and the parties will be required to appear for the scheduling conference.

V. MOTIONS

Consent to Motions: Judge Pan strictly enforces the requirement in Rule 12-I(a) of the Superior Court Rules of Civil Procedure that every motion contain a certification that consent has been sought. Judge Pan may summarily deny a motion that does not contain the requisite certification. The title of every motion must indicate whether the motion is opposed or unopposed. Judge Pan generally grants consent motions.

Proposed Order: Administrative Order 06-17 requires a party eFiling a motion to submit electronically to chambers at JudgePanEServe@dcsc.gov a proposed order in a format that can be edited (in Microsoft Word format). Counsel's adherence to this Administrative Order assists the court in ruling on motions and informing counsel of the court's decisions in a timely and expeditious manner. Judge Pan may summarily deny a motion that is not accompanied by a proposed order in the required format.

Length of Filings: Judge Pan discourages memoranda more than ten pages long. No party may submit a motion and memorandum more than twenty pages long without leave of Judge Pan. Judge Pan grants leave to file longer documents only in extraordinary circumstances. If a party fails to comply with these rules, Judge Pan may summarily deny the motion.

Reply Briefs: Parties who wish to file a reply brief may do so within five business days of the filing of an opposition brief without leave of the court. No party may submit a reply to an opposition more than five pages long without leave of Judge Pan. Sur-replies may not be filed without leave of the Court.

E-Filed Motions: It generally takes up to two business days for the Clerk's Office to process filings. A lawyer or party who has a question about the status of a pending motion should check online at <http://www.dccourts.gov/internet/CCO.jsf>, contact the Clerk's Office at (202) 879-1133, or check CaseFileXpress.com.

Motions in Limine: Judge Pan generally rules on motions *in limine* at or before the pretrial conference. Notwithstanding the later deadline set forth in Rule 16(d) of the Superior Court Rules of Civil Procedure, parties therefore should file motions *in limine* at least three weeks before the pretrial conference, and oppositions to such motions should be filed no later than one week before the pretrial conference.

Continuances & Extensions of Time: Except in extraordinary circumstances involving unforeseeable events, all motions seeking to extend a deadline or continue a hearing must be filed at least three business days prior to that date. Any motion to reschedule a hearing must suggest alternative dates and times that are convenient to both parties.

Consolidated Motions: A party ordinarily 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.

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 ten 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 both of Judge Pan’s law clerks and to the other parties.

V. **DISCOVERY**

Motions to Compel Discovery: The Court strictly enforces the requirements set forth in Rules 26(i) and 37(a) that the parties meet for a reasonable period of time in an effort to resolve or narrow any discovery dispute and that discovery-related motions include a certification regarding such a meeting. If a party submits a discovery-related motion without such a certification, the Court may summarily deny the motion. Before filing a motion related to a discovery dispute, the moving party must communicate with the opposing party to suggest dates and times for a hearing on the motion, and the motion must include proposed dates and times.

VI. **SCHEDULING AND PRETRIAL CONFERENCES**

Non-party Principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in person. Judge Pan may allow such principals from outside the Washington metropolitan area to participate by telephone. Any request to excuse a non-party principal from personal attendance should be made by motion at least two weeks before the date of the conference.

Scheduling and Calendars: Any party or lawyer who attends a hearing where matters can reasonably be expected to be scheduled shall bring a calendar. Judge Pan and the courtroom clerk will not delay setting a schedule to give anyone an opportunity to contact the person’s office. If the person does not have his or her schedule immediately available, Judge Pan will set a schedule, and the party may later file a motion to modify the schedule if the party so chooses.

Joint Pretrial Statements: Counsel and parties are reminded that Rule 16(e) of the Superior Court Rules of Civil Procedure requires the filing of a joint pretrial statement no later than one week before the pretrial conference. Judge Pan may order a continuance of a pretrial conference if the parties have not timely filed a joint pretrial statement that satisfies the requirements of Rule 16(e).

VII. COURTROOM PROTOCOL

Addressing the Court: 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 for any 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.

Parties should note that Courtroom 415 is equipped with a digital projector, VGA and HDMI cables, and television screens. Parties may use this technology to display documents and physical objects to the court and the jury. If a party intends to use any of this equipment during a hearing, the party should send an email to both of Judge Pan's law clerks on the day 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 intends to use.

VIII. TRIALS

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

Jury Instructions and Objections: One week prior to trial, the parties shall email to JudgePanEServe@dcsc.gov a copy of the proposed verdict forms and the proposed standard and special jury instructions in Microsoft Word format. If the parties object to any proposed jury instructions, they must include the reasons for that objection and any case law supporting their objection.

Trial Status Update: On the Wednesday preceding a trial date, the parties shall 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 shall update chambers by email.

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/internet/documents/dcsc15r1-06.pdf.

Custody of Exhibits: During trial, the parties may leave exhibits 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.

Non-jury Trials: 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. To the extent that a case contains a counterclaim or cross-claim with a jury demand, the Court may exercise its discretion to bifurcate the non-jury issues for a separate trial.

Mid-trial Issues: If an issue arises during trial, the parties should raise it by sending an email by 8:30 a.m. of the next trial date to both of Judge Pan's law clerks and to all other parties.