

**SUPPLEMENT TO GENERAL ORDER ON TRIAL PROCEDURES
JUDGE ELIZABETH CARROLL WINGO
CIVIL CALENDAR 14
JANUARY 2017**

To ensure that this case is resolved fairly and without undue cost or delay, all parties must familiarize themselves with the District of Columbia Superior Court Rules of Civil Procedure, the Administrative Orders of this Court, and this Supplement, all of which control matters on this calendar.

GENERAL INFORMATION

Judge: Elizabeth Carroll Wingo

Chambers Address: Moultrie Courthouse, Room 3440
500 Indiana Avenue, NW, Washington, D.C. 20001

Chambers Phone: (202) 879-3282

Email: JudgeWingoEserve@dcsc.gov

Law Clerk: Travis Knight

JAA: Kiah Dixon

Courtroom: Building B, Courtroom B-52
510 4th Street, NW, Washington D.C. 20001¹

Accessible entrance to Building B on F Street, NW
Other accessibility questions, call (202) 879-1010

Courtroom Phone: (202) 879-1688

¹ Until December 31, 2017, Judge Wingo's Friday Calendar will be heard in Courtroom 518, not Courtroom B-52. All parties with Friday matters before Judge Wingo are encouraged to contact Chambers to confirm the location of their Friday hearing.

In order to administer cases fairly, efficiently and inexpensively, the parties are **ORDERED** to comply with the following requirements:

1. PARTIES WITHOUT LAWYERS (*PRO SE* PARTIES)

A plaintiff or defendant who has not retained a lawyer may represent himself or herself in a case. Parties without lawyers are advised that free legal help may be available to them in some circumstances. The Court's website has links to more information about free legal services and clinics: <http://www.dccourts.gov/internet/public/prose.jsf>.

Reminder: Corporations and limited liability companies must be represented by a lawyer or other person authorized by Super. Ct. Civ. R. 101.

2. LITIGATION RESOURCES

The following resources are available on the Court's website (www.dccourts.gov):

- An online copy of the D.C. Superior Court Rules of Civil Procedure
- An online copy of the General Order on Trial Procedures
- An online copy of the D.C. Superior Court Administrative Orders

3. COMMUNICATION WITH CHAMBERS

Except as authorized in this Order, the parties may not contact Chambers (the Judge's office or staff) by telephone. In extraordinary circumstances, the parties may contact Chambers jointly by conference call to avoid *ex parte* communications. Chambers may not and will not provide legal advice of any kind. If a party needs clarification of any rule, practice, or procedure, that party should file a motion.

Counsel or parties may contact the Clerk of the Civil Division at (202) 879-1133 or consult the online docket at www.dccourts.gov/pa to learn the status of pending motions. If a party contacts chambers, that party will be told only that the Court rules on any pending motions as promptly as possible.

4. CASE STATUS CHANGES

If, prior to a hearing, the parties feel there has been a material change in the posture of a case or that a hearing would be unnecessary, the parties must jointly or, if mutually agreed on, through a party making a joint representation, email Chambers at JudgeWingoEserve@dcsc.gov to inform the Court of the status change.

5. MOTIONS

Consent to Motions: Rule 12-I(a) requires that before a party files a motion, it must seek the consent of the other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, the Court may summarily deny the motion, and if the party chooses to refile the motion with a certification, it will pay another \$20 filing fee. The title of the motion should indicate whether it is opposed or unopposed.

Proposed Orders: Administrative Order 06-17 requires a party filing a motion to submit electronically to JudgeWingoEserve@dcsc.gov a proposed order in **Microsoft Word**. If a party does not submit a proposed order in such format, the Court may summarily deny the motion, and if the party chooses to refile the motion with a proposed order, it will pay another \$20 filing fee.

Motions for Extension of Time for Filing Papers: Stipulations between parties or lawyers will not be effective to change any deadlines in the scheduling order without court approval, provided, however, that any date in the scheduling order except for the date of court proceedings may be extended once for up to 14 days upon the filing and delivery to the assigned judge of a praecipe showing that all parties who have appeared in the action consent to the extension. Such a praecipe must be filed at least three business days prior to the deadline and include:

- a. the number of previous extensions granted;
- b. the good reason for the request;
- c. a statement of the effect that granting the request will have on existing deadlines;
- d. for a praecipe that seeks to extend the deadline of a dispositive motion, suggested deadlines (reached in consultation with the opposing party) for the filing of the opposition and reply; and
- e. a statement of the opposing party's position on the request, and an indication in the title of the praecipe as to whether it is opposed or unopposed.

If unforeseeable circumstances prevent a timely filing of such a praecipe, the moving party must detail those circumstances in the praecipe.

Motions to Change Hearing Dates: Motions to change hearing dates must be filed at least two business days prior to the hearing and include:

- a. the good reason for the request;
- b. a statement of the opposing party's position on the motion, and an indication in the title of the motion as to whether it is opposed or unopposed; and
- c. four alternative dates and times agreeable to both parties.

If unforeseeable circumstances prevent a timely filing of such a motion, the moving party must detail those circumstances in the motion.

For consent motions to change hearing dates, counsel or self-represented parties may jointly e-mail Chambers at JudgeWingoEserve@dcsc.gov and discuss the request with the law clerk rather than file in writing.

Emergency Motions: Parties may request expedited action on a motion only in truly urgent situations. Parties filing emergency motions should notify Chambers immediately after filing by sending an email to JudgeWingoEserve@dcsc.gov and to the other parties, attaching a copy of the motion and the proposed order in Word format. The subject of the email should state “Emergency Motion” and the case number.

Motions to Amend: A party seeking leave to amend a filing must identify with specificity each change made in the proposed amended filing.

Lengths of Briefs and Memoranda: In accordance with the General Order, “Memoranda that exceed ten pages in length are discouraged.” No party may submit a motion and memorandum of points and authorities that exceeds 15 pages (excluding exhibits) without leave of the Court. Leave will be granted only in extraordinary circumstances. If a party fails to comply with these rules, the Court may summarily deny the motion, and if the party chooses to refile the motion in compliance with these rules, it will pay another \$20 filing fee.

Reply Briefs: A party wishing to file a reply to an opposition must do so within five business days of the filing of the opposition. Leave of the Court is not required. Replies may not exceed five pages without leave of the Court.

6. DISCOVERY

Parties must strictly follow the requirements of Rules 26 and 37. Before bringing a discovery dispute to the Court’s attention, the parties must attempt to confer in person and make a good faith attempt to resolve the dispute informally. If, in the unusual case, the parties are unable to resolve the dispute themselves, they must contact Chambers by email to arrange for a conference call. Before filing a motion relating to a discovery dispute, a party must obtain leave of the Court.

Failure to follow these requirements may result in sanctions. Moreover, if the Court is called upon to resolve a discovery-related motion, it may sanction the losing party under Rule 37(a)(4).

7. SCHEDULING AND PRETRIAL MATTERS

Scheduling and Calendars: Any party or lawyer who attends a hearing where matters can reasonably be expected to be scheduled shall bring a calendar to allow efficient scheduling of future events. The Court will not delay setting a schedule to give anyone an opportunity to contact the person’s office or anyone else. If a person does not have his or her schedule immediately available, the Court will set a schedule, and the party may file a written motion to modify the schedule, if the party so chooses, and pay the \$20

filing fee.

Non-party Principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in person. The Court may allow such principals from outside the Washington, D.C. 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.

Joint Pretrial Statements: Under Rule 16 (e), the parties must file a Joint Pretrial Statement at least one week before the pretrial conference. If a Joint Pretrial Statement is not filed in accordance with the rule, the Court may, on its own motion, cancel the Pretrial Conference and set the case for a Show Cause Hearing. Parties unable to meet and comply with Rule 16 (c) must file a Motion for Leave to file a Non-Joint Pretrial Statement.

Pretrial Conference: The Court uses the pretrial conference as a settlement conference and expects that the parties will discuss settlement beforehand. In addition, the Court expects counsel to prepare for the pretrial conference by thoroughly discussing settlement with parties, insurance adjusters, and others and by bringing to the pretrial conference any relevant photographs, documents or other material. At the start of the pretrial hearing, the Court will ask the parties (through counsel, if present) for the latest demand and offer. Those with full settlement authority must be present and must participate.

8. TRIALS

Jury Selection Instructions: One week prior to trial, the parties shall email to JudgeWingoEserve@dcsc.gov a copy of the proposed verdict forms and the proposed standard and special jury instructions in **Microsoft Word**. 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 before a trial date, the parties must jointly or, if mutually agreed on, through one party making a joint representation, e-mail Chambers at JudgeWingoEserve@dcsc.gov and inform the Court of the status of the trial. This update should include the status of any settlement discussions, an estimated length of the trial, and any issues that should be brought to the Court's attention.

Trial Exhibits: All exhibits must be pre-marked, with copies and a complete exhibit list provided in advance to the opposition and the Court. 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 <http://www.dccourts.gov/internet/documents/dcsc15r1-06.pdf>

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.

Trial Witnesses: The Court will not delay the proceedings to accommodate a witness's schedule, barring a documented emergency. The parties must immediately notify the opposition and the Court of any witness-related issues.

Issues Arising During Trial: During trial, any new issues that need to be handled outside of the presence of the jury should be brought to the Court's attention by 8:30 a.m. by an e-mail to Chambers at JudgeWingoEserve@dcsc.gov, with a copy to the opposing party.

Deliberations: Throughout jury deliberations, counsel must be available to report to the courtroom on ten minutes notice. Counsel should give the courtroom clerk a telephone number at which they can be reached.

9. INTERPRETERS AND LANGUAGE ACCESS

The Court provides professional interpreters in all matters, when needed. The parties (through counsel, if present) should notify the Court in advance of any hearing for which an interpreter is required. Family members, friends, counsel, or counsel's staff will not be permitted to interpret for parties or witnesses during a hearing.