

**SUPPLEMENT TO GENERAL ORDER
JUDGE SHANA FROST MATINI
CIVIL CALENDAR 2
2022**

I. GENERAL INFORMATION

Judge: Shana Frost Matini

Chambers: Room 2540
Moultrie Courthouse
500 Indiana Avenue, N.W.
Washington, DC 20001

Phone: (202) 879-4622

Email Address: JudgeMatiniChambers@dcsc.gov

Judicial Admin Assistant: Matt Bryden
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Courtroom: Courtroom 517
Moultrie Courthouse
500 Indiana Avenue, N.W.
Washington, DC 20001

Courtroom phone: (202) 879-4637

During the period of remote operation, as determined by the Chief Judge of the Superior Court, all proceedings will take place in Virtual Courtroom 517, which the parties and counsel may access in the following ways:

- (1) going to the WebEx website at <https://dccourts.webex.com/meet/ctb517> or going to <https://dccourts.webex.com> and entering meeting ID number 129 911 6415; or
- (2) downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb517> ; or
- (3) calling 1-844-992-4726 or 202-860-2110 and entering meeting ID number 129 911 6415#.

Parties having trouble connecting to their remote hearing may call chambers at 202-879-4722 for assistance. Failure to appear at a remote proceeding may result in the same sanctions as would result from failing to appear at an in-person hearing, including dismissal of a case or entry of default.

II. COMMUNICATIONS WITH CHAMBERS

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

III. MOTIONS

Consent to motions: Judge Matini strictly enforces the requirement in Rule 12-I(a) that, before a party files a motion, it must seek the consent of other parties and include in the motion a certification that the party sought consent. Parties who use email to satisfy Rule 12-I(a) but do not obtain consent must state the date and time of each email. If a party does not include such a certification, Judge Matini 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.

Paper copies: Judge Matini strictly enforces the requirement in Administrative Order 06-17 that a party must provide a paper copy of any filing that, including exhibits, exceeds 25 pages. If a party fails to comply with this requirement, Judge Matini may decide not to consider the filing.

Proposed order: Judge Matini strictly enforces the requirement in Administrative Order 06-17 that a party filing a motion must submit electronically to JudgeMatiniChambers@dcsc.gov a proposed order in a format that can be edited (generally Word). If a party does not submit a proposed order in such format, Judge Matini 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.

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

Consolidated motions: A party, or multiple parties aligned in interest and represented by the same lawyer, should ordinarily raise in one motion all the grounds for the relief they seek.

For example, a party should file one summary judgment motion if the party seeks summary judgment on multiple grounds, or one motion *in limine* if the party seeks pretrial rulings on multiple issues. The party (or parties) may file with the consolidated motion a motion for leave to file a longer brief to the extent that more pages are needed to address multiple issues. Such motions for reasonable increases in page limits are ordinarily granted because consolidated motions are more efficient and require fewer total pages than separate motions.

Reply briefs: A party may file a reply as permitted in Rule 12-I(g). No party may submit a reply more than five pages long without leave of the court. Sur-replies are disfavored and, in any event, a party may not file a sur-reply without leave of the court.

Motions for leave to file: Except in extraordinary circumstances, a party seeking leave to file a document should submit with the motion a copy of the proposed filing.

Motions to extend deadlines and reschedule hearings: Any motion for extension of time should include a statement of the number of previous extensions of the deadline, and the effect of granting the motion on other existing deadlines.

Judge Matini does not automatically grant multiple extensions of scheduling orders even when the parties agree. Judge Matini expects any request for an extension to be based on the parties' realistic assessment of the time needed to complete the remaining tasks, and thereby to eliminate the need for additional extensions except in unexpected circumstances. The more extensions one or all parties request, the stronger the justification that Judge Matini expects for each successive request, including a demonstration that the factors that justify the additional extension were not reasonably foreseeable at the time the parties requested the previous extension.

Except in extraordinary circumstances involving unforeseen and unforeseeable events, all motions seeking to extend a deadline or continue a hearing date must be filed **at least 3** business days before that date.

Any motion to reschedule a hearing must suggest three alternative dates and times that are convenient to all parties.

Except as provided in Rule 16(b)(7)(B), stipulations between parties or lawyers are not effective to change deadlines set by the Court. To extend any such deadline, a party must file a motion requesting and justifying the extension.

E-filed motions: It takes time for e-filed motions and other filings to reach chambers. It generally takes 1-2 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 www.dccourts.gov/pa, contact the Clerk's Office at (202) 879-1133, or check Casefileexpress.com.

Emergency motions: Judge Matini expects parties to request expedited action only in truly urgent situations. Parties filing emergency motions should notify chambers when they file

the motion by sending an email to JudgeMatiniChambers@dsc.gov and other parties, with a copy of the motion and the proposed order (in an editable format) attached.

IV. DISCOVERY

Judge Matini strictly enforces the requirements in Rules 26(h) and 37(a)(1)(A) that the parties meet for a reasonable period of time in an effort to resolve or narrow any discovery-related dispute and that discovery-related motions include a certification concerning advance consultation. If a party submits such a motion without such a certification, Judge Matini 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.

V. SCHEDULING AND SETTLEMENT CONFERENCES

Scheduling praecipes: Notwithstanding the earlier deadline in Rule 16(b)(2), Judge Matini will approve a Civil Action Form 113 (“Praecipe Requesting Schedule Order”) submitted up to 12:00 p.m. on the day before the scheduling conference date. In cases in which all parties are represented by counsel, and no pending motions or other matters require the Court’s attention, Judge Matini encourages attorneys to consult with opposing counsel and submit a CA Form 113 rather than appear in court for a scheduling 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 Matini, 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 Matini will set a schedule, and the party may later file a motion to modify the schedule if the party so chooses and pay the \$20 filing fee.

Joint pretrial statements: Rule 16(e) requires the filing of a joint pretrial statement at least one week before the pretrial conference. Judge Matini may cancel a pretrial conference if the parties have not timely filed the joint pretrial statement.

Pretrial conferences: Judge Matini requires that all parties, representatives with settlement authority, and counsel participating in remote pretrial conferences appear in the virtual hearing by video with cameras activated during the entirety of the proceeding. Judge Matini will excuse a party from participation by video only in situations where a party affirms that he or she lacks the technological equipment to do so.

Motions *in limine*: Consistent with Rule 16(d), parties should file motions *in limine* at least three weeks before the pretrial conference, unless the Court grants leave to file them later. Oppositions to such motions should be filed no later than one week prior to the pretrial conference. Judge Matini generally rules on motions *in limine* at the pretrial conference.

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in

person. Judge Matini 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.

VI. TRIALS

A. Pretrial and trial procedures

Trial status update: On the Wednesday preceding a trial date, the parties jointly or, if mutually agreed on, through one party making a joint representation, shall call chambers and inform chambers whether the parties expect to proceed on the scheduled trial date.

Witness availability: Judge Matini 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 shall immediately notify other parties and chambers.

Trial schedule: Trials are scheduled to begin on Mondays at 9:30 a.m. Trials generally proceed Monday through Thursday from 9:30 a.m. to 4:45 p.m. Judge Matini generally takes one morning and one afternoon break, as well as a lunch break between approximately 12:30 and 1:30 p.m.

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 <https://www.dccourts.gov/node/18758>

Mid-trial issues: If an issue arises during trial, Judge Matini strongly encourages parties to raise it by sending an email by 8:30 a.m. of the next trial day to JudgeMatiniChambers@dcsc.gov, with a copy to all other parties.

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.

B. Availability during deliberations

Throughout jury deliberations, counsel must be available on ten minutes' notice. Counsel should give the courtroom clerk a telephone number where they can be reached.

VII. LANGUAGE ACCESS

The Court provides professional interpreters in all matters, when needed. The party who needs an interpreter must notify the Court before any hearing at which an interpreter will be needed. Family members, friends, lawyers, or lawyers' staff are not permitted to interpret for parties or witnesses during a hearing.

VIII. VIRTUAL COURTROOM PROTOCOL

Guidelines: 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.

Exhibits: If a party or counsel intends to rely on exhibits or other documents during the hearing, the party or counsel shall e-mail the exhibits to the Court at judgetatinichambers@dcsc.gov, copying all sides, 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 CaseFileXpress 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 remote hearing.

IX. VIRTUAL BENCH TRIALS

Schedule: During the period of remote operation, Judge Matini will hold all bench trials remotely in Virtual Courtroom 517. Trials are generally 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 Matini generally takes one morning and one afternoon break, as well as a lunch break between approximately 12:30 and 1:30 p.m. By rule, Judge Matini will adjourn each day no later than 4:45 p.m.

Exhibit Index: On the first day of trial, each party must submit an exhibit summary form by emailing to the form to judgetatinichambers@dcsc.gov. Parties may obtain this form from the Clerk's Office or on the Court's website at www.dccourts.gov/internet/documents/dcsc15r1-06.pdf.

Custody of Exhibits: 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, the parties should raise it by sending an email by 8:30 a.m. of the next trial date to Judge Matini's chambers staff and to all other parties.

Rule on Witnesses: Judge Matini enforces the rule on witnesses for all virtual bench trials. Accordingly, each party is responsible for ensuring that their non-party witnesses are not logged into the trial proceeding at any point other than when they are testifying.

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.