

SUPPLEMENT TO GENERAL ORDER

Judge Heidi M. Pasichow
Civil 2, Calendar 12
2019

I. CHAMBERS, STAFF, AND COURTROOM FOR CALENDAR 12

Judge:	Heidi M. Pasichow
Chambers:	Suite 1540 - Moultrie Building 500 Indiana Avenue, N.W. Washington, D.C. 20001
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Chambers email:	JudgePasichowChambers@dcsc.gov
Judicial Admin. Assistant:	Cheryl A. Simms
Law Clerks:	Savannah McDonald Christopher Getty
Courtroom Clerk:	_____
Courtroom:	516 - Moultrie Building

II. WEEKLY SCHEDULE

Unless otherwise directed, matters on **Calendar 12** will take place as follows:

In-court proceedings: Courtroom 516

Pretrial/Settlement Conferences: Tuesdays and Wednesdays at 9:30AM and 2:00PM; Thursdays at 9:30AM and 2:30PM

Trials: Mondays through Thursdays, 9:30 a.m. to 4:45PM in Courtroom 516, unless otherwise noted.

Scheduling Conferences, Oral examinations, *Ex Parte* Proofs, and other matters: Fridays from 9:30 a.m. to 12:00 p.m.

Motions Hearings: As scheduled by Chambers.

[THE FOLLOWING SECTIONS SUPPLEMENT THE CORRESPONDING SECTIONS OF THE CIVIL
DIVISION'S GENERAL ORDER]

III. COMMUNICATIONS WITH CHAMBERS

Judge Pasichow's staff may not and will not provide advice of any kind about court rules, practices or procedures. Judge Pasichow 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* via the Chambers line (202) 879-1472 or JudgePasichowChambers@dcsc.gov concerning urgent scheduling issues.

IV. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set forth in Rule 16(b) of the Superior Court Rules of Civil Procedure, Judge Pasichow will consider a Civil Action Form 113 (Praecipe Requesting Scheduling Order) filed at least **two** calendar days before the date of the scheduling conference. Praecipes filed later than **5:00 pm on the Wednesday** preceding a Friday scheduling conference therefore will not be considered, and the parties will be required to appear for a scheduling conference.

In cases in which all parties are represented by counsel, and no pending motions or other matters require the Court's attention, Judge Pasichow encourages attorneys to consult with opposing counsel and submit a CA Form 113 rather than appear in court for a scheduling conference.

V. MOTIONS

Consent Motions: The title of every motion must indicate whether the motion is opposed or unopposed. Judge Pasichow strictly enforces the requirement in Rule 12-I (a) of the Superior Court Rules of Civil Procedure that, before filing any motion (except pursuant to Rule 11), it must seek the consent of other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, Judge Pasichow may summarily deny the motion, and if the party chooses to refile the motion with a certification, it will pay another \$20 filing fee. Judge Pasichow generally grants consent motions.

Paper Copies/Courtesy Copies: Judge Pasichow strictly enforces the requirement in Administrative Order 06-17 that a party must provide a paper copy—*upon submission*—of any filing that, *including* exhibits and attachments, exceeds twenty (20) pages. If a party fails to comply with this requirement, Judge Pasichow may decide not to consider the filing

Proposed Order: Administrative Order 06-17 requires that a party eFiling a motion also submit the motion electronically to chambers at JudgePasichowChambers@dcsc.gov, including a proposed order that can be edited in Microsoft Word. 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 Pasichow may summarily deny a motion that is not accompanied by a proposed order in the required format.

Length of Filings: Judge Pasichow discourages memoranda more than ten (10) pages long. No party may submit a motion and memorandum more than twenty (20) pages long (double spaced) without leave of Judge Pasichow. If a party fails to comply with these rules, Judge Pasichow may summarily deny the motion. Judge Pasichow grants leave to file longer documents only in extraordinary circumstances.

Incorporation by Reference: Notwithstanding the Super. Ct. Civ. R. 10(c), incorporation by reference of previously—or contemporaneously—filed documents is prohibited to the extent that the combined length of the filing and the information incorporated-by-reference exceeds the Court's page limit. Each filing must stand or fall on its own merits.

Adoption: Parties may only adopt pleadings as defined in Super. Ct. Civ. R. 7(a). A party may not adopt the motion of another party-litigant without first obtaining leave of court.

Reply Briefs: Parties who wish to file a reply brief may do so within seven (7) calendar days of the filing of an opposition brief without leave of the Court. However, *no* party may submit a reply to an opposition that is more than five (5) pages long, or a sure-reply without leave of Judge Pasichow.

E-Filed Motions: It generally takes at least two (3) 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 Pasichow generally rules on motions *in limine* at or before the pretrial conference. In accordance with the deadline set forth in Rule 16(d) of the Superior Court Rules of Civil Procedure, parties should file motions *in limine* at least three (3) weeks before the pretrial conference, and oppositions to such motions should be filed no later than one (1) week before the pretrial conference.

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 Pasichow does not automatically grant multiple extensions of scheduling orders even when the parties agree. Judge Pasichow 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 Pasichow 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. It is not a sufficient justification that the lawyers were too busy on other matters to complete tasks on the schedule that they previously proposed and agreed to.

Moreover, the longer the requested extension, the stronger the justification that Judge Pasichow expects.

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 three (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.

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.

Ripe Motions: Irrespective of the nature of the matter scheduled for hearing before the Court, any Motion that is **ripe** (ready for disposition) may be heard by the Court at any hearing scheduled on the Court's calendar. Consent motions are considered ripe upon filing.

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 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 Pasichow's chambers staff and to the other parties.

VI. DISCOVERY

Motions to Compel Discovery/Discovery Disputes: The Court strictly enforces the requirements set forth in Rules 26(h) and 37(a), which require the parties to meet for a reasonable period of time in an effort to resolve or narrow any discovery dispute and include a certification regarding such a meeting in discovery-related motions. If a party submits a discovery-related motion without 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—face-to-face—to suggest dates and times for a hearing on the motion, and the motion must include proposed dates and times.

VII. PRETRIAL, SCHEDULING CONFERENCES & SETTLEMENT CONFERENCES

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. Judge Pasichow 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 (2) weeks before the date of the conference.

Scheduling and Calendars: Any party or lawyer who attends a hearing during which the Court may reasonably be expected to schedule a hearing or deadline shall bring a calendar. Judge Pasichow 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 Pasichow 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 (1) week before the pretrial conference. Judge Pasichow 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).

VIII. TRIAL

A. Pretrial and Trial Procedure

Trial schedule: Judge Pasichow schedules trials to begin on Mondays at 9:30 a.m. Trials generally proceed Monday through Thursday from 9:30 a.m. to 4:30 p.m. Judge Pasichow generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 pm and 2:00 p.m.

Trial status update: On the Wednesday preceding a trial date, the parties shall jointly 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.

Witness availability: Judge Pasichow 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.

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>

Juror Notes: The Court allows jurors to take notes.

Mid-trial issues: If an issue arises during trial, Judge Pasichow strongly encourages parties to raise it by sending an email by 8:30 a.m. of the next trial day to chambers staff 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.

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.

B. Jury Instructions and Objections

One (1) week prior to trial, the parties shall email a copy of the Joint Voir Dire questions, Joint Proposed Verdict Forms and the Joint Proposed Standard and Special Jury Instructions in Microsoft Word format to JudgePasichowChambers@dcsc.gov. If the parties disagree as to the other party's proposed Voir Dire questions Standard and Special Jury Instruction and/or Verdict Form, the parties, must include the list of those items in dispute and the reasons for that objection and any case law supporting their objection.

Special Jury Instructions: Where the parties request that special jury instructions be given or that municipal regulations or statutes receive judicial notice and admission into evidence, each proposed special instruction, regulation, or statute shall be typed on a separate sheet of paper, *accompanied by a copy of the pertinent authority for the request*, and submitted with the Joint Pretrial Statement. A copy of the proposed instruction, regulation, or statute should be emailed to Judge Pasichow's E-Serve inbox, JudgePasichowChambers@dcsc.gov, in non-write-protected form.

C. Availability during Deliberations

Throughout jury deliberations, counsel must be available on ten (10) minutes' notice. Counsel should give the courtroom clerk a telephone number where they can be reached.

IX. 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 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.

Parties should note that Courtroom 516 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 Judge Pasichow's chambers staff and courtroomtechnology@dcsc.gov two (2) 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 intends to use.

X. LANGUAGE ACCESS

The Court provides professional interpreters in all matters, when needed. The party who needs an interpreter must notify the Court at least one (1) day before any hearing at which an interpreter will be needed. Family members, friends, lawyers, or lawyers' staffs are not permitted to interpret for parties or witnesses during a hearing.