

Rule 39-I. Appearance at Trial

(a) WHEN NO RESPONSE BY ANY PARTY. When an action is called for trial and no party responds, the court may dismiss the same, with or without prejudice, or take such other action as may be deemed appropriate.

(b) WHEN NO RESPONSE BY PARTY SEEKING RELIEF. When an action is called for trial and the party seeking affirmative relief fails to respond, an adversary may have the claim dismissed, with or without prejudice as the court may decide, or the court may, in a proper case, conduct a trial or other proceeding.

(c) WHEN NO RESPONSE BY PARTY AGAINST WHOM RELIEF IS SOUGHT. When an action is called for trial and a party against whom affirmative relief is sought fails to respond, in person or through counsel, an adversary may where appropriate proceed directly to trial. When an adversary is entitled to a finding in the adversary's favor on the merits, without trial, the adversary may proceed directly to proof of damages.

COMMENT TO 2017 AMENDMENTS

Stylistic changes were made to this rule to conform with the 2007 amendments to the Federal Rules of Civil Procedure.

COMMENT

See District of Columbia Transit System v. Young, 293 A.2d 488 (1972).