

APRIL 17, 2008

GENERAL ORDER FOR CALENDAR 18



**I. SCOPE AND PURPOSE**

This General Order supplements the Superior Court Civil Rules, which apply to every Calendar and with which counsel and *pro se* parties should be familiar. In addition, a **Civil Actions Information Handbook** is available at the Scheduling Conference for *pro se* parties and counsel who wish to share it with their clients. All counsel and parties are expected to treat each other and those involved in the case resolution process with dignity, respect and **civility**, both in court and in out-of-court conferences and discovery proceedings.

**II. MOTIONS, OTHER FILINGS and COURT RECORDS**

All filings by represented parties subsequent to the complaint and affidavits of service must be electronically filed and served. This applies to pending and newly- filed cases. See <http://www.dccourts.gov/efiling>.

All requests must be by written motion (Rule 7(b)(1), 12-I(d)). The Court will not act on informal correspondence, emails, or telephone calls, but appreciates notice by telephone call to the Judge’s law clerk that an emergency motion is being filed. *Ex parte* communications are inappropriate and will not be accepted. Fees must be paid before filing.

All motions requesting a continuance of any hearings, conferences, etc., should include proposed continuance dates that are mutually agreeable to all counsel.

The **caption** of all filings should include "Magistrate Judge Irving" beneath the case number and on the lines below that, the next court date, and the nature of the scheduled event. E.g.,

Plaintiff(s),	)	2008 CA 00XXXX ‘Extender’ <sup>1</sup>
	)	Magistrate Judge Irving
v.	)	Next Court Date _____
	)	Event _____
Defendant(s).	)	

<sup>1</sup> Proper caption format, including explanation of Extenders, is explained at [www.dccourts.gov/efiling](http://www.dccourts.gov/efiling) under frequently asked questions.

If the motion is made by an **unrepresented party (*pro se*)**, the original motion or other court filing and one copy plainly marked "**Chambers Copy**" shall be filed in the Clerk's Office, JM 170 (Rule 5(e)); no motions or other court filings should be faxed or e-mailed. A courtesy copy to chambers must be accompanied by (1) a **proposed order**, Rule 12-I(e); (2) a **copy of the scheduling order**, Rule 12-I(h); (3) a **mailing label** for each *pro se* party entitled to receive a copy of the order, (4) a statement that an attempt was made to obtain **consent to the relief sought**, Rule 12-I(a), and (5) a **certificate of service** on all parties and on Chambers, Rule 5-I. Ordinarily, motions that do not comply with these requirements will be **summarily denied without prejudice**. Memoranda that exceed ten pages in length are discouraged.

For eFiled motions, the filing must include a (1) proposed order, (2) certificate of service, and (3) statement that consent to the relief was sought. **Counsel shall include their email addresses in the signature blocks of all filings.** In addition, a separate electronic copy of any proposed order must be e-mailed to the judge's e-mail address at: MagistrateJudgeIrvingEServe@dcsc.gov. The proposed order must be in a format that is capable of being edited. (Word or WordPerfect formats are preferred.) All e-mails must have the following subject line: [CASE NUMBER – CASE NAME] e.g. "2008 CA 001234 C – Doe v. Doe." Do not include any other information in the subject line. **No other correspondence shall be submitted to the Judge's eServe Inbox.**

Motions for An Extension of Time to Effect Service of Process of Summons and Complaint: Plaintiffs are allowed 180 days within which to effect service of process and file proof thereof with the Court. Plaintiff shall adhere to the Rules of the Court when considering filing such motions. For example, Rules 40-III and 4(m) provide, as follows: "motion[s] must set forth in detail the efforts which have been made, and will be made in the future, to obtain service." The Court will only consider a motion for an extension of time for service if "exceptional circumstances, detailed in the motion, demonstrate that additional time is required in order to prevent a manifest injustice." See Rule 40-III.

When filings are over twenty-five (25) pages, in total, a paper copy must be mailed or hand-delivered to Chambers. See Administrative Order 06-17. If *pro se* litigants are parties, mailing labels for those individuals need to be mailed to chambers. See Administrative Order 06-17. Please check Civil Rule 5(d) for which motions need a Certificate Regarding Discovery.

Every document filed electronically shall be deemed to have been signed by the attorney who made the filing or authorized the filing to be made. Each filing shall bear "/s/" or a typographical or imaged signature on the signature line. Below the signature line there shall appear the typed name, address, telephone number, e-mail address and bar number of the attorney who submitted the filing. See Civil Rule 5(e)(2)(B)(ii).

**STIPULATIONS BETWEEN COUNSEL SHALL NOT BE EFFECTIVE TO CHANGE DEADLINES.**

Motions will be decided on the papers alone, unless the Court determines the need for a hearing. **Counsel and *pro se* parties must immediately notify chambers if a pending motion is resolved or a case is settled.**

The official court record is CourtView. The docket and court filings are maintained electronically and may be viewed at terminals in the clerk's office (Room JM-170.) The docket also may be viewed on the court's public access site: <https://www.dccourts.gov/pa>.

### **III. DISCOVERY**

Motions to compel discovery and motions relating to discovery must comply with Rules 5, 26(i) and 37(a) and must include the various certifications required by Rule 37(a). The meeting required under the circumstances set forth in Rule 37(a) must be face to face, for a reasonable period of time (usually at least 60 minutes) in an effort to resolve the matter before filing a motion. Motions lacking any certification required by Rule 37(a), including the date, time, and place at which a meeting was held, will be **summarily denied**. Motions lacking a Certificate Regarding Discovery will not be accepted for filing.

### **IV. SETTLEMENT**

In order to reduce litigation expense and delay, to eliminate the anxiety of trial and the risk of an unsatisfactory outcome, it is desirable that settlements occur as early as possible in the litigation process. The Court and the Multi-Door Dispute Resolution Branch are available to assist the parties in pursuing settlement early in the case.

### **V. TRIAL AND EX PARTE PROOFS**

The Court expects parties will provide the Court with an exhibit list and a copy of the exhibits. With respect to **Ex Parte Proofs**, the Court requires Plaintiffs to mail or hand-deliver to the Judge's Chambers two weeks in advance of the hearing all Exhibits that exceed 15 pages.

If it is anticipated that **audio or video equipment** is needed, the proffering party must bring their own equipment. In order to bring any audio or video equipment into the courthouse, a party must submit a Request for Authorization Letter to the Executive Office (202) 879-1700 located in Suite 1500 in the Moultrie Building, which in turn gives authorization to Courthouse Security. The request must contain the name of the party/attorney making the request, their address, telephone number, fax number, the case number, date and time of the trial, the name of the judge hearing the trial and the courtroom where the trial will be heard. In addition the request must indicate what type of equipment is being brought in and the name of the individual bringing in the equipment. The request may be faxed to the Executive Office at (202) 879-1802 at least three business days before the start of the trial.

If it is anticipated that an **interpreter** is needed, the proffering party may contact the Office of Court Interpreting Services (202) 879-4828 to obtain a list of qualified interpreters. Litigants in need of interpreters for themselves and/or their witnesses are responsible for hiring their own interpreter(s).

**VI. CHAMBERS, STAFF, AND SCHEDULE FOR CALENDAR 18**

<b>Judge:</b>	<b>ALFRED S. IRVING, JR.</b>
<b>Chambers:</b>	4450 - Moultrie Building
<b>Phone:</b>	(202) 879-4853
<b>Fax:</b>	(202) 393-6738
<b>Eserve address:</b>	MagistrateJudgeIrvingEServe@dcsc.gov
<b>Judicial Admin. Assistant:</b>	Courtenaye Nelson
<b>Law Clerk:</b>	Caroline Onyango – (202) 879-0435
<b>Courtroom Clerk:</b>	Ronique Bates and Tracy Harris
<b>Hearing Room:</b>	205 Phone: (202) 879-1645

Unless otherwise directed, matters on Calendar 18 will take place as follows :

**In-court proceedings:** Hearing Room 205

**Trials:** Mondays, Tuesdays, Thursdays - - 9:00 a.m.

**Motions and Status Hearings:** Mondays, Tuesdays, Thursdays - - 10:00 a.m.

**Scheduling Conferences and Oral Examinations:** Fridays -- 9:00 a.m.

**Ex Parte Proofs:** Fridays – 9:30 a.m.

**So Ordered**

*Stephanie Duncan-Peters*

Stephanie Duncan-Peters  
Presiding Judge, Civil Division

*Melvin R. Wright*

Melvin R. Wright  
Deputy Presiding Judge, Civil Division

*Alfred S. Irving, Jr.*

ALFRED S. IRVING, JR.  
Magistrate Judge, Civil Calendar 18