

Rule 67. Deposit into Court

(a) DEPOSITING PROPERTY. If any part of the relief sought is a money judgment or the disposition of a sum of money or some other deliverable thing, a party—on notice to every other party and by leave of court—may deposit with the court all or part of the money or thing, whether or not that party claims any of it. The depositing party must deliver to the clerk a copy of the order permitting deposit.

(b) INVESTING AND WITHDRAWING FUNDS. Money paid into court under this rule must be deposited and withdrawn in accordance with D.C. Code § 11-1723 (b) (2012 Repl.) or any like statute.

COMMENT TO 2017 AMENDMENTS

This rule has been amended consistent with the 2007 stylistic changes to *Federal Rule of Civil Procedure 67*. The Superior Court rule retains two local distinctions—1) the applicable provision of the D.C. Code has been substituted for the federal statute; and 2) the requirement to deposit funds in an interest-bearing account has been omitted.

COMMENT

Substantially identical to *F. R. Civ. P. 67* except for the deletion of the requirement that all deposited funds be placed in an interest-bearing account or invested in an interest-bearing instrument. The decision to place funds in such an account or instrument and to disburse those funds with accrued interest is discretionary with the Court, after due consideration of the administrative burden imposed by the accounting of such funds.

Nothing in this rule is intended to restrict the authority of the Court, upon proper application, to appoint a trustee, escrow holder, or to establish some otherwise appropriate method to retain funds *pendente lite*.