

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

**Notice of Proposed Addition to the Superior Court Rules of
Procedure for the Small Claims and Conciliation Branch**

The District of Columbia Superior Court Rules Committee recently completed review of proposed new Superior Court Rule of Procedure for the Small Claims and Conciliation Branch 19 and a conforming amendment to Superior Court Rule of Procedure for the Small Claims and Conciliation Branch 4. The Rules Committee will recommend to the Superior Court Board of Judges that the new rule and conforming amendment be approved unless, after consideration of comments from the Bar and the general public, the proposed addition is withdrawn or modified.

Written comments must be submitted by June 14, 2019. Comments may be emailed as a PDF file to Laura.Wait@dcsc.gov or may be mailed to:

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Superior Court of the District of Columbia
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All comments submitted in response to this notice will be available to the general public. New language is underlined and deleted language is stricken through.

Rule 19. Collection and Subrogation Cases

(a) APPLICABILITY. This rule applies to all small claims actions in which the action is for:

- (1) collection of a liquidated debt involving:
 - (A) a credit card or credit account;
 - (B) a medical bill; or
 - (C) a loan or other financial obligation that a commercial entity seeks to collect or enforce; or
- (2) recovery as a subrogee-insurer.

(b) PARTICULAR PLEADING REQUIREMENTS.

(1) *Original Creditor.* If the plaintiff files a small claims action identified in Rule 19(a)(1)(A) and is not the original creditor, the statement of claim must include:

- (A) the identity of the original creditor; and
- (B) a statement that the plaintiff is the successor in interest.

(2) *Credit Card or Account.* If the plaintiff files a small claims action identified in Rule 19(a)(1)(A), the statement of claim must inform the defendant that an account statement is attached.

(3) *Prejudgment Interest.* If the plaintiff's claim includes a claim for prejudgment interest, the statement of claim must include:

- (A) the prejudgment interest rate;
- (B) the date from which the interest has run;
- (C) the total dollar amount of prejudgment interest already accrued as of a date specified by the plaintiff and not more than 30 days prior to the filing of the action; and
- (D) if applicable, a statement that the amount of prejudgment interest is only good through the stated date and that the amount will increase after that date as interest continues to accrue.

(c) TIME ALLOWED FOR SERVICE OF PROCESS. As required by Rule 4(m)(1), proof of service of the materials required by Rule 4(a) must be made no later than 90 days after the filing of the statement of the claim. Failure to comply with the requirements of this rule will result in the dismissal without prejudice of the statement of claim. The clerk will enter the dismissal and serve notice on the parties.

(d) EXTENSION OF TIME FOR SERVICE OF PROCESS. Notwithstanding the provisions of Civil Rule 6(b), the time allowed for service of process of statements of claim covered by this rule will not be extended unless a motion for extension of time is filed within 90 days after the filing of the statement of claim. The motion must state in detail the efforts that have been made, and will be made in the future, to obtain service. If the plaintiff shows exceptional circumstances requiring an extension, the court must extend the time for an appropriate period.

(e) PLAINTIFF'S CONSENT TO MAGISTRATE JUDGE CALENDAR. When filing a statement of claim covered by this rule, the plaintiff may file a written consent to have the statement of claim assigned to a magistrate judge calendar. If such consent is filed, the magistrate judge may rule on any motion, and take any other judicial action (including conducting ex parte proof of damage hearings), as to any defendant who has not appeared or otherwise responded to the statement of claim.

Rule 4. Service of Process

(m) TIME LIMIT FOR PROOF OF SERVICE.

(1) *In General.* Within 60 days of the filing of the statement of the claim, or within 90 days in ~~actions seeking collection of a liquidated debt or recovery by a subrogee~~debt collection and subrogation cases described in Rule 19(a), proof of service of the materials required by Rule 4(a) must be filed. A separate proof must be filed as to each defendant who has been served with those materials.