

Effective March 28, 2018

GENERAL ORDER
GOVERNING MASTER-METER CASES FILED UNDER D.C. CODE § 42-3303

I. SCOPE AND PURPOSE

This General Order applies to all Petitions for Appointment of Receiver for past-due utilities provided to master-metered apartment buildings pursuant to D.C. Code § 42-3303 (2017). This General Order supplements the Superior Court Civil Rules, which apply to every Calendar and with which counsel and parties who are not represented by counsel (*pro se* parties) must comply.

II. SERVICE REQUIREMENTS UNDER D.C. CODE § 42-3303(a)

Upon the filing of a Petition for Appointment of Receiver that meets statutory requirements, the presiding judge in Judge-in-Chambers will issue an Order to Show Cause Why a Receiver Should Not Be Appointed. Under D.C. Code § 42-3303(a), Petitioners are required to effect personal service on all Respondents **and** post a copy of the show cause order “in a conspicuous place upon the apartment house in question.” Upon return of service, the presiding judge will review all affidavits of service, and those that fail to comply with statutory requirements will be rejected. **A receiver will not be appointed without proof of service.**

III. MOTIONS, OTHER FILINGS and COURT RECORDS

All requests must be by written motion. Super. Ct. Civ. R. 7(b)(1), 12-I(d). *Ex parte* communications, including informal correspondence, e-mails or telephone calls are inappropriate. All fees must be paid before filing.

The original petition and any other court filings shall be filed in Judge-in-Chambers. Courtesy copies may be faxed to (202)879-1579 or emailed to JICOffice@dcsc.gov. All motions and filings must be accompanied by (1) a **proposed order**, Rule 12-I(f); and (2) a **certificate of service** on all parties *Id.* 5-I.

Each filing shall bear “/s/”, or a typographical or imaged signature on the signature line. Below the signature line shall appear the typed name, address, telephone number, e-mail address and bar number of the attorney who submitted the filing. *Id.* 5(d)(5)(B)(ii).

The official court record is CourtView. The docket and court filings are maintained electronically and may be viewed at terminals in the Civil Clerk’s Office (**Suite 5000**). The docket also may be viewed on the court’s public access site, which is located at <https://eaccess.dccourts.gov/eaccess/home.page.2>

CONTINUANCES ARE LIMITED AND MUST BE REQUESTED PRIOR TO SCHEDULED HEARINGS.

All motions requesting a continuance of any hearings must be filed **at least twenty-four (24) hours or one (1) business day in advance** of the scheduled hearing date, whichever is longer. A request for a continuance is not final until an order granting the request has been signed by a judge. *Id.* 16(k)(3). If a request to continue is not timely received in advance of a scheduled hearing or is not granted before the hearing for any reason, the Petitioner must appear before the court or the presiding judge may dismiss the case for want of prosecution. *Id.* 12-I(i).

The request to continue should include proposed continuance dates that are mutually agreeable to all counsel and unrepresented parties. Before filing a motion, the moving party must ascertain if other parties consent. *Id.* 12-I.

Petitioner is limited to two (2) continuances before Petitioner must appear in Judge-in-Chambers to show cause why the petition should not be dismissed. Partial payments or ongoing settlement negotiations with Respondent may not be deemed sufficient reasons for further continuances.

IV. RECEIVERSHIP ACCOUNTINGS AND DISMISSAL

Once a Receiver has been appointed, a detailed accounting of all collected rents, current utilities bills, paid arrearage, receivership expenses, payments to the Respondent(s), and any other expenses must be provided to Judge-in-Chambers at least every six (6) months from the date of appointment. The Judge-in-Chambers staff will automatically schedule an Accounting Hearing for six months from the date of appointment upon issuance of the order appointing a Receiver. All subsequent Accounting Hearings will also be automatically scheduled for six (6) months after the most recent hearing.

The Receiver is required to file in Judge-in-Chambers a full accounting at least one (1) week prior to each scheduled Accounting Hearing. A template accounting is available for reference on the Judge-in-Chambers page of the court's public website, which is located at <https://www.dccourts.gov/services/judge-in-chambers>. If the Receiver is unable to meet its required deadline, it must file a motion requesting a continuance of the Accounting Hearing with a detailed explanation of why the accounting is not complete, and expected time to completion of the accounting.

Respondent(s) may file a motion requesting that an accounting be made before the six month Accounting Hearing, if there is reason to believe the Receiver has not fulfilled its duties.

Upon full payment of the arrearage stated in the order appointing a Receiver, the Receiver must file a Final Accounting with the Court and should not wait until the next scheduled Accounting Hearing. If the accounting is approved by the presiding judge, an Order to Show Cause why the receivership should not be terminated will be issued. The Petitioner will be

given fourteen (14) days to object to termination of the receivership, after which the presiding judge will issue an order terminating the receivership and the case will be closed.

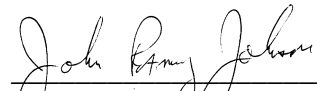
Alternatively, Petitioner may file a motion to dismiss the receivership upon full payment of all utility bills in arrears. Upon receipt of such a motion, a final accounting will be required of the Receiver. If the final accounting is approved by the presiding judge, an order terminating the receivership will be issued and the case will be closed.

V. SETTLEMENT


In order to minimize litigation expense and delay, parties are encouraged to explore settlement as early as possible in the litigation process. The Court's Multi-Door Dispute Resolution Division is available to assist the parties in pursuing settlement early in the case.

Counsel and *pro se* parties must immediately notify Judge-in-Chambers by praecipe or motion if a pending case is settled.

So Ordered, this 28th day of March, 2018.



John Ramsey Johnson
Presiding Judge, Civil Division



Laura A. Cordero
Deputy Presiding Judge, Civil Division