

**ADDENDUM TO THE GENERAL ORDER CONCERNING CIVIL CASES**  
**Amended August 27, 2020**

In a series of orders, the Chief Judge of the Superior Court of the District of Columbia suspended, tolled, and extended certain deadlines during the period of the current emergency. On August 13, 2020, the Chief Judge issued the most recent order. *See* <https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Amended-Order-8-13-20-FINAL.pdf> . The August 13 order provides with respect to the Civil Division:

Unless otherwise ordered by the Court, all deadlines and time limits in statutes (including statute of limitations), court rules, and standing and other orders issued by the Court that would otherwise expire during the period of emergency are suspended, tolled and extended during the period of emergency, with the following exceptions: (1) deadlines applicable to parties represented by counsel in pending cases, except deadlines for service of process; (2) discovery-related deadlines applicable to all parties, including parties not represented by counsel; and (3) deadlines in scheduling orders issued after March 18, 2020.

**The judicial emergency.** The emergency referred to in the August 13 order is the emergency originally declared by the Joint Committee on Judicial Administration for the District of Columbia Courts on March 18, 2020. *See* <https://www.dccourts.gov/sites/default/files/divisionspdfs/committee%20on%20admissions%20pdf/Joint-Committee-on-Judicial-Administration-for-the-District-of-Columbia-Courts-March-18-2020-Order.pdf> . Pursuant to authority granted by the Joint Committee, the Chief Judge extended the judicial emergency through at least November 9, 2020. Therefore, with the exceptions specified in the August 13 order, the deadlines are currently suspended, tolled, and extended through November 9.

**Scope.** With the exceptions specified in the August 13 order, the deadlines suspended, tolled, and extended under the August 13 order include, but are not limited to, (1) statutes of limitations, (2) rule-based deadlines such as time limits for service of process, responding to discovery requests, and events leading to a pretrial conference, and (3) case-specific orders issued before March 18, 2020 such as scheduling orders and briefing orders.

The new deadline will be determined by the date on which the period of tolling ends. If no exception in the August 13 order or in the Chief Judge's prior orders applies, the date on which the period of tolling ends is currently November 9 under the August 13 order; if one of these exceptions applies, the date is earlier. The new deadline depends in part on whether the event that triggers the deadline occurred before or after March 18, when the tolling period began under the Chief Judge's initial order. If an event before the start of the tolling period triggered a deadline that falls within the tolling period, the number of days remaining before the original deadline on March 18 are added to the end of the tolling period on November 9. For example, if the deadline for service of process, responding to a discovery request, or opposing a motion was one week after the tolling period began on March 18, the new deadline would be one week after the tolling period ends. If an event during the tolling period triggered a deadline, the clock would start running on the date the tolling period ends. For example, if a plaintiff filed a complaint between March 18 and November 9 and has 60 days to serve under Rule 4(m)(1)(A),

the plaintiff will have 60 days after November 9 to serve the defendant, and the same principle applies if a party has 30 days under Rule 33(b)(2) to respond to interrogatories or 14 days under Rule 12-I(e) to respond to a motion.

If the extended deadline that would apply under the August 13 order as a result of the tolling is appropriate in the circumstances of a particular case, a party should *not* file a motion seeking to extend the deadline. If a party wants a deadline different from the deadline that would apply under the August 13 order, the party must file a motion to shorten or extend this deadline.

The August 13 order does not preclude any party from taking an action even though the deadline for the action is suspended, tolled, and extended because of the current judicial emergency.

**Exceptions.** The August 13 order makes three exceptions to the general principle of suspension, tolling, and extension of deadlines.

**Represented parties.** The first exception concerns deadlines established by statute, rule, or order applicable to parties represented by counsel in pending cases, except deadlines for service of process. If a party represented by counsel needs additional time to complete a task due to pandemic-related reasons, the party must file a motion (after attempting to obtain other parties' consent).

This exception for any party represented by counsel applies regardless of whether or not other parties in the cases are represented by counsel. If a party represented by counsel wants an unrepresented party to comply with a deadline other than a discovery-related deadline covered by the second exception more fully discussed below, the party must file a motion if the unrepresented party is not willing to comply voluntarily.

This exception, and the second exception for discovery-related deadlines, do not affect the requirement in Rules 16(h)(1) and 37(a)(1)(A) that parties meet for a reasonable period of time to resolve a discovery dispute before anyone can file a discovery-related motion, or the requirement in Rule 16(c)(1) that lawyers and unrepresented parties meet "in person" before a pretrial conference. During the public health emergency, one or all parties may have good reasons not to meet in person, and conferring by telephone or videoconference may be a reasonable alternative in the circumstances. Judges have discretion to waive or modify the "in person" meeting requirements in Rules 16(c)(1), 37(a)(1)(A), and 26(h)(1). This discretion exists even if the parties do not ask for advance approval to attempt to resolve an issue without an in-person meeting, and the parties instead inform the court in a motion or joint pretrial statement that they conferred without an in-person meeting for specified pandemic-related reasons. Parties can expect judges to rule on discovery motions and conduct pretrial conferences, if the parties have not met but one or both parties had a reasonable basis related to the pandemic not to meet in person and the parties conferred, or offered to confer, through reasonable alternative methods.

This exception does not apply to deadlines for service of process, which remain suspended, tolled, and extended until otherwise ordered by the court on a case-by-case basis. Service-related deadlines are excluded because public health concerns may make service

difficult. This exclusion does not prevent a plaintiff from attempting service during the period of the judicial emergency.

This exception applies only to pending cases. Accordingly, statutes of limitations remain suspended, tolled, and extended, even if the potential plaintiff is represented by counsel.

**Discovery deadlines.** The second exception concerns discovery-related deadlines applicable to all parties, including parties not represented by counsel, and unlike the third exception, it applies to deadlines in orders issued before March 18. For parties represented by counsel, this second exception duplicates the first exception, which also applies to discovery-related deadlines. If any party needs additional time to complete a discovery-related task, the party must file a motion (after attempting to obtain other parties' consent).

The following examples are illustrative for any case subject to a scheduling order issued before March 18; they also apply under the first exception to parties represented by counsel. If a party was served with interrogatories 14 days before March 18, 16 of the 30 days provided by Rule 33(b)(2) to respond to interrogatories remained when the discovery deadline was suspended, tolled, and extended by the March 18 order, so the party has 16 days from August 13 to serve its response. If a party was served with interrogatories after March 18 and before August 13, the party has 30 days from August 13 to respond. If the party was served with interrogatories after August 13, the party has 30 days from the date of service to respond.

Unrepresented litigants may not be aware either that discovery-related deadlines had been suspended, tolled, and extended before August 13 or that the suspension, tolling, and extension ended on August 13. Rule 37(a) requires that before a party files a motion, the party, whether represented or unrepresented by counsel, must try to resolve any dispute about when the other party will provide discovery, and Rule 37(a) provides that the court may order the party from whom discovery is requested to provide the discovery. The court will take into account all relevant factors in deciding whether to order an unrepresented party to provide discovery and what deadline is reasonable for discovery.

**Post-March 18 Orders.** The third exception makes explicit that there is no suspension, tolling, or extension of deadlines in scheduling orders issued after March 18, 2020. This exception applies even if the post-March 18 order does not explicitly state that the judge was exercising the authority under one of the Chief Judge's orders to make case-specific exceptions to the general principle of suspension, tolling, and extension. This exception applies to any order containing a schedule, even if the order is not denominated as a "scheduling order." If a party wants any deadline in a post-March 18 order suspended, tolled, or extended, the party must file a motion (after attempting to obtain other parties' consent).

This exception for post-March 18 orders includes any discovery-related deadline, such as a deadline for the close of discovery. Even if the post-March 18 order does not explicitly require the parties to respond to a discovery request by a date specified in the order, any discovery-related deadline necessarily obligates parties to respond to any discovery request in sufficient time to comply with the deadline. Otherwise, discovery-related deadlines in the order, such as a deadline for completion of discovery, would effectively be rendered meaningless.

If a party cannot comply with a deadline in a post-March 18 order, the party must file (after attempting to obtain the other parties' consent) a motion to extend any such deadline.

Conversely, as discussed above, deadlines in any order issued before March 18 are suspended, tolled, and extended unless the court ordered otherwise in an order issued on or after March 18 or unless an exception in the August 13 order applies.

**Debt collection cases.** The General Order Regarding Debt Collection Cases issued on May 7, 2020 specifically addresses deadlines in administratively-designated collection cases that are filed or pending during the period of the public health emergency declared by the Mayor and for 60 days after its conclusion. See <https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Collection-Case-General-Order.pdf>. This order provides that, unless otherwise ordered by the Court, all deadlines and time limits in statutes, court rules, and standing and other orders, including statutes of limitation and service of process deadlines, that would otherwise expire during this period are tolled during this period.

**Mortgage foreclosure cases.** The General Order Regarding Residential Mortgage Foreclosure Cases issued on July 2, 2020 addresses the administration of mortgage foreclosure cases during the period of the public health emergency declared by the Mayor and for 60 days after its conclusion. See <https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/General-Order-for-Foreclosure-Cases-7-2-20.pdf>.

**Duration.** This Addendum to the General Order shall remain in effect unless and until it is modified or rescinded as circumstances change.

Issued on August 27, 2020 by order of the Presiding Judge of the Civil Division.

  
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Laura A. Cordero  
Presiding Judge, Civil Division