

ADDENDUM TO THE GENERAL ORDER CONCERNING CIVIL CASES
Amended May 26, 2020

By order issued on March 18, 2020 and amended on March 19, 2020, the Chief Judge of the Superior Court of the District of Columbia ordered that all deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire before May 15, 2020 including statutes of limitations, are suspended, tolled, and extended during the period of the current emergency. On May 14, 2020, the Chief Judge issued an amended order. See <https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Amended-Order-5-14-20.pdf>. The May 14 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, *except in any Civil 1 or 2 case subject to Rule 12-I of the Superior Court Rules of Civil Procedure, any suspension, tolling, or extension of the time to file any response or reply concerning a motion ends on May 15, 2020 with respect to all counsel who registered for E-filing before March 18, 2020 (emphasis added).*

The emergency referred to in the May 14 order is the emergency 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 June 19. Therefore, with the exceptions specified in the May 14 order, the deadlines are suspended, tolled, and extended through June 19.

With the exception of responses to motions subject to Rule 12-I as highlighted above, the deadlines suspended, tolled, and extended under the May 14 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, except for responses to motions subject to Rule 12-I as highlighted above, will be determined by the date on which the period of tolling ends, which currently is June 19 under the May 14 order. 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. 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 June 19. 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 June 19 and has 60 days to serve under Rule 4(m)(1)(A), the plaintiff would have 60 days after June 19 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 May 14 order as a result of the tolling is appropriate in the circumstances of a particular case, a party should not file a motion concerning the deadline. If a party wants a deadline different from the deadline that would apply under the May 14 order, the party must file a motion to shorten or extend this deadline.

The May 14 order does not preclude a party from taking an action even though the deadline for the action is suspended, tolled, and extended because of the current judicial emergency. During this period, judges in the Civil Division will continue to rule on consent motions and on contested motions that were ripe by March 17, 2020 or became fully briefed after March 18, 2020.


With respect to cases originally filed in the Landlord & Tenant Branch and later certified to the Civil Actions Branch, L&T Rule 13-I(a) provides that for designated motions (including discovery and summary judgment motions and motions for enlargement of time), the judge to whom a case has been assigned for a jury trial under Rule 6 will determine the following motions “in accordance with the Superior Court Rules of Civil Procedure.” As a result, Rule 12-I applies to any motion designated in L&T Rule 13-I(a), and tolling for these motions ended on May 15 if the opposing party is represented by counsel who was registered for e-filing on March 18, 2020.

With respect to cases originally filed in the Small Claims and Conciliation Branch and later certified to the Civil Actions Branch, Small Claims Rule 1(a)(2) provides that a case is certified to Civil Actions Branch under Rule 6 because of a jury demand, the case “remains subject to these rules in all respects,” so the exception in the tolling provision of the May 14 amended order does not apply. Small Claims Rule 1(a)(3) provides, “When any case brought in the Small Claims and Conciliation Branch is certified to the Civil Actions Branch under Rule 8, it is subject in all respects to the Superior Court Rules of Civil Procedure.” Accordingly, the exception in the tolling provision of the May 14 order applies to cases certified under Rule 8.

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.

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

Issued on May 26, 2020 by order of the Presiding Judge of the Civil Division.


Laura A. Cordero
Presiding Judge, Civil Division