

GENERAL ORDER CONCERNING LANDLORD AND TENANT CASES
FILED ON OR AFTER MARCH 11, 2020
Issued July 28, 2020

The District of Columbia enacted a law that prohibits a person from filing a complaint seeking a judgment for possession during a period of time for which the Mayor has declared a public health emergency and for 60 days thereafter. The law became applicable on March 11, 2020. Cases have been filed in the Landlord and Tenant Branch on or after March 11 during a period of time for which the Mayor declared a public health emergency. In each of these cases, the parties will receive an order for the plaintiff to show cause why the case should not be dismissed. Responses by any party are due within 28 days of the date of issuance of the show cause order. The show cause order provides that if the plaintiff does not respond within 28 days, the Court will dismiss the case without prejudice and without further order.

Rule 42(a)(1) authorizes the Court to issue “any” order “to avoid unnecessary costs or delay” when actions “involve a common question of law.” The Court expects the responses to these show cause orders to raise questions of law common to multiple cases. In addition, it is unclear whether all parties will consent to resolution of these legal questions by magistrate judges, and it would avoid unnecessary costs and delay, and promote the just, speedy, and inexpensive determination of these cases, for a single associate judge to resolve common questions of law in these cases.

Accordingly, the Presiding Judge of the Civil Division designates Associate Judge Anthony C. Epstein, the Deputy Presiding Judge of the Civil Division, to adjudicate all questions of law common to any eviction cases filed on or after March 11, 2020 in the Landlord and Tenant Branch. Judge Epstein’s authority includes the authority to determine whether the question of law is common to enough cases that it would promote the just, speedy, and inexpensive determination of these cases for him to resolve it.

Judge Epstein’s authority also includes the authority to establish procedures to resolve questions of law common to these cases, including setting briefing schedules or requiring plaintiffs to file a motion seeking the relief described in a response to the show cause order. These procedures give defendants a full and fair opportunity to address any legal issues raised by plaintiffs in their response to the show cause orders, as well as give plaintiffs a full and fair opportunity to address any legal issues raised by defendants in any response that they file. No defendant is required to respond to the show cause order or to anticipate in its response any legal arguments that the plaintiff may raise in its response.


Consolidation of these cases under Rule 41(a)(1)(B) is not warranted, and questions of law not common to multiple cases and questions of fact will be resolved by the calendar judge. Judge Epstein has discretion to determine whether proceedings before the calendar judge will be postponed or stayed until he resolves common questions of law.

In resolving a common question of law in one case, Judge Epstein will consider filings in other cases concerning the same question of law. In addition to filing and serving any document, parties should email a courtesy copy to Judge Epstein at JudgeEpsteinChambers@dcsc.gov. It is

not necessary for any party or legal services provider to file a motion to intervene or a motion for leave to file an *amicus* brief in all or multiple cases involving a common question of law, and the Court discourages this practice. Filing the same basic motion or brief in multiple cases only because those case involve a question of law common to a case in which the filing party or legal services provider has a direct interest would impose unnecessary costs both on the filer and on the Court, as well as result in unnecessary delay.

Nothing in this order relieves any plaintiff in any eviction case filed on or after March 11, 2020 in the Landlord and Tenant Branch of the obligation to file a response to the show cause order issued in that case. A plaintiff's response in one case may incorporate by reference that plaintiff's response in another specified case or the response of different plaintiffs in another specified case concerning a common question of law. Likewise, a defendant's response in one case may incorporate by reference that defendant's response in another specified case or the response of different defendants in another specified case concerning a common question of law.

Issued on July 28, 2020 by order of the Presiding Judge of the Civil Division.



Laura A. Cordero
Presiding Judge, Civil Division