

**SUPPLEMENT TO GENERAL ORDER ON TRIAL PROCEDURES
JUDGE ROBERT R. RIGSBY
CIVIL CALENDAR 10
AUGUST 2021**

I. GENERAL INFORMATION

Judge: Robert R. Rigsby

Chambers: Room 6510
Moultrie Courthouse
500 Indiana Avenue, NW
Washington, DC 20001

Phone: (202) 879-4344

Fax: (202) 879-4348

Email Address: JudgeRigsbyChambers@dcsc.gov

Judicial Admin. Asst.: Denize Shy

Law Clerk: Jacob E. Spegal, Esq.
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Law Clerk: Aditya A. Patel, Esq.
Email: Aditya.Patel@dcsc.gov

Courtroom Clerk: Jason Mancini

Courtroom: **Virtual Courtroom 320**

Remote Operations: During the period of remote operation, as determined by the Chief Judge of the Superior Court, all proceedings before Judge Rigsby will occur in Remote Courtroom 320. Remote hearing instructions for all Parties and counsel are below.

II. ACCESS TO REMOTE COURTROOM 320

Desktop:

- (1) Go to the WebEx website at <https://dccourts.webex.com/meet/ctb320>; **OR**
- (2) Go to <https://dccourts.webex.com>, and enter meeting ID number: **129 226 9879**; **OR**
- (3) Download the WebEx Meetings app
 - a. Open the app
 - b. Select “Join Meeting”
 - c. Enter <https://dccourts.webex.com/meet/ctb320>; **OR**
- (4) Dial the toll-free number: 1 (844) 992-4726 **OR** (202) 860-2110
 - a. Enter meeting ID number: **129 226 9879#**
 - b. Press # again to enter session.

iPad/Smartphone/Tablet:

- (1) Go to App Store,
- (2) Download WebEx App (Cisco WebEx Meetings)
- (3) Sign into the App with your Name and Email Address
- (4) Select Join Meeting
- (5) Enter: <https://dccourts.webex.com/meet/ctb320>
- (6) Select “Join Meeting” (make sure your microphone is muted; use video only if you need to be seen). If the host has not yet started the meeting, you will be placed in the lobby until the meeting begins.

*Audio Alternative:

- (1) Instead of automatically using “USE COMPUTER FOR AUDIO”
- (2) Select “CALL-IN” and follow the “CALL-IN” prompt window
- (3) Use a cell phone or desk phone, but **DO NOT USE SPEAKERPHONE**
- (4) It is very important that you enter the MEETING ID# when you call in, so that your audio is matched with your video.

Please join no sooner than 5 minutes before your scheduled hearing time. Once you have joined the session, please place your phone on mute until directed otherwise. If you should happen to get disconnected from the call, please call back in using the phone number and Meeting ID provided and the courtroom clerk will mute your call until the appropriate time.

For Technical Questions or Issues Call: (202) 879-1928, Option 2.

Failure to appear at a remote proceeding may result in the same sanctions as would result from failing to appear at an in-person hearing, including dismissal of a case or entry of default.

During the pendency of Chief Judge Josey-Herring’s Order, as amended July 14, 2021, regarding emergency operations (currently in effect through at least September 10, 2021), *pro se* litigants are strongly encouraged to file through CaseFileXpress. If they are unable to do so, they are to email filings to JudgeRigsbyChambers@dcsc.gov and mail first-class to the Civil Clerks’ Office and all opposing parties. Parties should not go to the courthouse.

III. SELF-REPRESENTED (*PRO SE*) LITIGANTS

While the Court recognizes that *pro se* litigants may not be well-versed in court rules and the rules of civil procedure, it directs that self-represented parties must still comply with the rules of this Court, including, but not limited to, those laid out in this Order. An online copy of the Rules of Civil Procedure is available at: <https://www.dccourts.gov/superior-court/rules>

In addition, the Court has lists of *pro bono* (free) attorneys, student attorneys, and clinics available for all *pro se* litigants who seek to gain counsel.

Pro se plaintiffs who do not comply with discovery requests, respond to motions, or participate in preparing a Joint Pretrial Statement may be sanctioned or have their case dismissed in accordance with Rule 41. *Pro se* defendants who do not comply with the rules and procedures of the Court may be sanctioned or found in default, and a judgment may be entered against them.

IV. COMMUNICATIONS WITH CHAMBERS

Except as specifically authorized in this Supplement, **parties are prohibited from contacting Chambers by telephone.** However, if extraordinary circumstances or emergencies require it, parties should contact Chambers jointly via conference call to avoid *ex parte* communications. Chambers is prohibited from providing legal advice of any kind.

Should parties or counsel wish to update the Court on a change in status on a motion currently pending before the Court, e.g., that consent has been obtained or there will be no opposition filed, they may email JudgeRigsbyChambers@dcsc.gov, with all parties copied on the email (**Judge Rigsby's current law clerks should also be included in this email**), to inform the court of the new status of the motion. **Chambers will not provide updates on when any motion will be decided either by telephone or by email.**

V. MOTIONS

Consent to motions: Judge Rigsby strictly enforces the requirement in Rule 12-I(a) that, before a party files a motion, it must seek the consent of the other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, Judge Rigsby may summarily deny the motion, and if the party chooses to refile the motion with a certification, it will pay another \$20 filing fee. **The motion must include a certification that the party sought consent for the present motion, and the title of the motion should indicate whether it is opposed or unopposed.**

Proposed order: Judge Rigsby strictly enforces the requirement in Administrative Order 06-17 that a **party filing a motion must submit electronically to CaseFileXpress a proposed order in Microsoft Word format.** Though it may appear as though the proposed order is uploading as a PDF, if the document uploaded was in Word format, the Word document will be transmitted to Chambers in an editable form. If a party does not submit a proposed order in Word

format, Judge Rigsby may summarily deny the motion, and if the party chooses to refile the motion with a proposed order, it will pay another \$20 filing fee.

Length of filings: Judge Rigsby discourages memoranda that exceeds ten pages. No party may submit a motion or memorandum that exceeds fifteen pages without leave of Judge Rigsby. Judge Rigsby grants leave to file longer memoranda only in extraordinary circumstances. In addition, **parties must provide Chambers with a courtesy copy of any filing that exceeds twenty-five pages** (see below for more on courtesy copies). If a party fails to comply with these rules, Judge Rigsby may summarily deny the motion, and if the party chooses to refile the motion with a proposed order, it will pay another \$20 filing fee.

Courtesy copies: Administrative Order 06-17 requires that when an entire eFiling, including exhibits, exceeds twenty-five pages, a paper courtesy copy should be mailed or hand-delivered to Chambers in addition to eService. **All courtesy copies delivered to Chambers must be fastened/bound inside an appropriate folder or 3-ring binder, depending on the size of the filing. Do not use staples, paper clips, binder clips, paper clamps, or similar items. In addition to the use of folders, all files must be tabbed for ease of navigation.** Again, counsel's adherence to this Administrative Order assists the Court in ruling on motions and informing counsel of the Court's decision in an expeditious manner. If an attorney fails to submit courtesy copies as required, Judge Rigsby may summarily deny the motion.

Motions for leave to file: A party seeking leave to file a document must submit a copy of the proposed filing with the motion. Should a party fail to attach the proposed filing, Judge Rigsby may summarily deny the motion, and if the party chooses to refile, they will incur another \$20 filing fee.

Motions for extension of time: Except as set forth in Rule 16(b)(7), a party must file a motion requesting any extension of a deadline set by the Court.

Except in extraordinary circumstances involving unforeseen and unforeseeable events, all motions seeking to extend a deadline or continue a hearing date must be filed **at least 3 business days before that date**. Any motion to reschedule a hearing must suggest alternative dates and times that are convenient to both parties.

eFiled motions: It takes time for eFiled motions and other filings to reach Chambers. It generally takes 1-2 business days for the Clerk's Office to process filings. If a party has a question about the status of a recently filed motion, it should check online at www.dccourts.gov/pa or contact the Clerk's Office at (202) 879-1133.

Should the parties have questions about how long a motion may take to be decided, they should be aware that **Chambers will not provide updates on when any motion will be decided either by telephone or by email.**

Emergency motions: Judge Rigsby expects parties to request expedited action only in truly urgent situations. Parties filing emergency motions should notify Chambers when they file the motion by sending an email to JudgeRigsbyChambers@dcsc.gov and the other parties **(Judge Rigsby's current law clerks should also be included in this email)**, with a copy of the motion and the proposed order (in an editable format) attached.

VI. DISCOVERY

Judge Rigsby strictly enforces the requirements in Civil Rules 26(h) and 37(a) that the parties meet for a reasonable amount of time in an effort to resolve or narrow any discovery-related dispute and that discovery-related motions include a certification concerning such a meeting. Before bringing a discovery dispute to the Court's attention, the parties must attempt to confer in person and make a good faith attempt to resolve the dispute informally. If, in what should be the unusual case, the parties are unable to resolve the dispute, they shall contact Chambers to arrange for a joint telephone conference call with Judge Rigsby's law clerks. The law clerks are authorized to facilitate resolution of the discovery dispute. The Court has discretion to determine whether a joint conference call is the best course of action or whether to grant the parties leave to file a discovery-related motion. **Before filing a motion relating to a discovery dispute, a party must obtain leave of the Court. Failure to follow these requirements may result in sanctions.** Moreover, if the Court is called upon to resolve a discovery-related motion, it may sanction the losing party pursuant to Rule 37(a)(5).

VII. SCHEDULING AND SETTLEMENT CONFERENCES

Praecipes requesting a scheduling order: Pursuant to Rule 16(b)(2) parties may file a Praecipe Requesting a Scheduling Order in lieu of appearing at the initial scheduling conference. Parties should attempt to file the praecipe **at least one week prior** to the scheduled hearing. If, for some reason, the parties are not able to timely file the praecipe, the parties may file a praecipe less than a week before the hearing, but they also must email a copy of the praecipe to JudgeRigsbyChambers@dsc.gov (**Judge Rigsby's current law clerks should also be included in this email**) if they wish to ensure that their appearance is not required at the hearing. If a party that fails to timely file the praecipe or fails to email a copy of a praecipe that was filed late also fails to appear at the scheduling conference, that party's failure to appear may result in dismissal of the case without prejudice for want of prosecution.

In general, parties that have filed a praecipe requesting a scheduling order will receive a scheduling order the week of the scheduled hearing. Once the parties have received a scheduling order, no party need appear at the scheduling conference. Parties may check the online docket to determine whether a scheduling order has been issued.

Scheduling and calendars: Any party or lawyer who attends a hearing where matters can reasonably be expected to be scheduled shall bring a calendar. If the person does not have his or her schedule immediately available, Judge Rigsby will set a schedule, and the party may later file a motion to modify the schedule if the party so chooses and pay the \$20 filing fee.

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in person. Judge Rigsby may allow such principals from outside the Washington metropolitan area to participate by telephone. Any request to excuse a non-party principal from personal attendance should be made by motion **at least two weeks** before the date of the conference.

VIII. TRIALS

A. Pretrial and Trial Procedures

Joint pretrial statements: Counsel and parties are reminded that Superior Court Rule of Civil Procedure 16(e) requires the filing of a joint pretrial statement no later than one week prior to the pretrial conference. Judge Rigsby may *sua sponte* continue a pretrial conference if the parties have not timely filed their joint pretrial statement. Further, in addition to the content requirements set forth in Superior Court Rule of Civil Procedure 16(e), parties should **include a brief description of expected testimony for each witness listed in the joint pretrial statement.**

Motions *in limine*: Judge Rigsby will generally rule on motions *in limine* at the pretrial conference. In accordance with Superior Court Rule of Civil Procedure 16(d), parties should file motions *in limine* at least three weeks before the pretrial conference, unless the Court grants leave to file them later. Oppositions to such motions should be filed no later than one week prior to the pretrial conference.

Pretrial hearing: Judge Rigsby prefers that pretrial hearings are held approximately one month prior to the trial date. At the pretrial hearing, the parties should be prepared to discuss possible settlement options and should have settlement authority at the hearing. If a party or its representative should appear at the pretrial hearing without settlement authority, Judge Rigsby may *sua sponte* convert the pretrial into a status conference.

At the pretrial hearing, the parties should also be prepared to review the pretrial statement and inform the Court which evidence and witness testimony will be primarily relied upon at trial. Should the parties be unable or unprepared to discuss the potential evidence and witness testimony, Judge Rigsby may *sua sponte* convert the pretrial into a status conference.

Trial status update and proposed *voir dire*: Approximately one week prior to the trial date, the parties will likely be contacted by Chambers with the anticipated *voir dire* questions and a request to provide an update on settlement. Should the parties reach a settlement after *voir dire* has been provided but prior to the trial date, then the parties should jointly contact Chambers either by telephone or at JudgeRigsbyChambers@dcsc.gov (**Judge Rigsby's current law clerks should also be included in this email**) to update the Court on the status of the case.

Schedule: Judge Rigsby typically schedules trials to begin on Mondays at 9:30 a.m. Trials generally proceed Monday through Thursday from 9:30 a.m. to 4:45 p.m. Judge Rigsby generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m.

Mid-trial issues: If an issue arises during trial, Judge Rigsby encourages parties to raise it by sending an email by 5:30 p.m. on the day prior to the next trial day to JudgeRigsbyChambers@dcsc.gov (**Judge Rigsby's current law clerks should also be included in this email**), with a copy to all other parties. Should such an issue arise, the parties should be prepared to discuss the issue at 9:00 a.m. the following morning so that the issue may be dealt with prior to the arrival of the jury or the start of trial. The Court reserves the right to have the issue briefed before the next hearing date. Failure to timely contact Chambers may result in a delay of the trial. Judge Rigsby may levy sanctions for bad faith failure to comply with this rule.

Exhibit summary sheet: On the first day of trial, each party must give to the courtroom clerk an Exhibit Summary Sheet. Parties may obtain this form from the Clerk's Office or at: <https://www.dccourts.gov/services/forms>.

Custody of exhibits: During trial, the parties may leave exhibits admitted into evidence in the courtroom. After trial and until any appeal has ended or the time to appeal has run with no notice of appeal filed, each party is responsible for maintaining exhibits and other materials that it wishes to include in the record on appeal.

Trial Witnesses: The Court will not delay the proceedings to accommodate a witness' schedule, barring a documented emergency. The parties shall immediately notify the opposition and the Court of any witness-related issues.

B. Jury Selection and Instructions

Before the meeting four weeks before the pretrial conference required by Rule 16(c), Judge Rigsby provides the parties with (1) an overview of jury selection and trial procedures, and (2) a set of proposed initial and final jury instructions, and he solicits comments from the parties.

Judge Rigsby will not finalize the final jury instructions until after all evidence has been submitted into the record. Parties should work together to determine which jury instructions they anticipate will be necessary as the trial progresses and notify chambers of any anticipated disputes as soon as possible. Judge Rigsby will expect the parties to work with his law clerks to finalize the final jury instructions prior to closing arguments, and parties should expect to complete the jury instructions after the close of trial on some days. Should a dispute arise that the parties cannot resolve, the parties should expect to arrive early on the day of closing arguments so that Judge Rigsby can make a final ruling on the disputed instructions prior to the start of trial that day. Judge Rigsby instructs the jury **after** closing arguments.

C. Deliberations

Throughout jury deliberations, counsel must be available on ten minutes' notice. Counsel should give the courtroom clerk a telephone number at which they can be reached.