

**SUPPLEMENT TO GENERAL ORDER ON TRIAL PROCEDURES  
JUDGE ROBERT R. RIGSBY  
CIVIL CALENDAR 10  
MAY 2018**

**I. GENERAL INFORMATION**

**Judge:** Robert R. Rigsby

**Chambers:** Room 6510  
Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, DC 20001

**Phone:** (202) 879-4344

**Fax:** (202) 879-4348

**Email Address:** JudgeRigsbyEserve@dcsc.gov

**Judicial Admin. Asst.:** Denize Shy

**Law Clerk:** Ryan Cowdin

**Courtroom Clerk:** Jason Mancini

**Courtroom:** 201  
Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, DC 20001

**Courtroom phone:** (202) 879-1518

Unless otherwise directed, matters on Calendar 10 will take place in Courtroom 201. Pretrial and Settlement Conferences are conducted in Courtroom 201 or in the adjoining jury room.

**I. 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 none-the-less directs that self represented parties comply with the rules of this court, including, but not limited to, those laid out in this Order. An on-line 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.

**II. COMMUNICATIONS WITH CHAMBERS**

Except as specifically authorized in this Supplement, **the parties may not contact 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 may not and will not provide legal advice of any kind.

**II. 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 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 JudgeRigsbyserve@dcsc.gov a proposed order in Microsoft Word. If a party does not submit a proposed order in such 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 more than ten pages long. No party may submit a motion and memorandum more than fifteen pages long without leave of Judge Rigsby. Judge Rigsby grants leave to file longer documents only in extraordinary circumstances. In addition, parties must provide Chambers with a courtesy copy of any filing that exceeds twenty-five pages. 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. 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.

**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.

**E-Filed motions:** It takes time for e-filed 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 pending motion, it should check online at [www.dccourts.gov/pa](http://www.dccourts.gov/pa) or contact the Clerk's Office at (202) 879-1133.

**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 [JudgeRigsbyEserve@dcsc.gov](mailto:JudgeRigsbyEserve@dcsc.gov) and the other parties, with a copy of the motion and the proposed order (in an editable format) attached.

#### IV. DISCOVERY

Judge Rigsby strictly enforces the requirements in Civil Rules 26(h) and 37(a) that the parties meet for a reasonable period 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. **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).

#### V. SCHEDULING AND SETTLEMENT CONFERENCES

**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.

## **VI. 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* cancel and continue a pretrial conference if the parties have not timely filed the joint pretrial statement. In addition to the content requirements set forth in Superior Court Rule of Civil Procedure 16(e), the 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.

**Trial status update:** On the Wednesday preceding a trial date, the parties jointly or, if mutually agreed on, through one party making a joint representation, shall call chambers and inform chambers whether the parties expect to proceed on the scheduled trial date.

**Schedule:** Judge Rigsby 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 [JudgeRigsbyserve@dcsc.gov](mailto:JudgeRigsbyserve@dcsc.gov), [Robert.Rigsby2@dcsc.gov](mailto:Robert.Rigsby2@dcsc.gov) and [Robert.Rigsby3@dcsc.gov](mailto:Robert.Rigsby3@dcsc.gov), with a copy to all other parties.

**Exhibit index:** On the first day of trial, each party must give to the courtroom clerk an exhibit summary form. 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 instructs the jury **before** 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.