

**SUPPLEMENT TO GENERAL ORDER FOR CIVIL CASES  
JUDGE ANTHONY C. EPSTEIN  
2019**

**I. GENERAL INFORMATION**

**Judge:** Anthony C. Epstein

**Chambers:** Room 3430  
Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, DC 20001

**Phone:** (202) 879-7812

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

**Judicial Admin. Assistant:** Marilyn O’Neal  
Marilyn.Oneal@dcsc.gov

**Law Clerk:** David I. Schifrin  
David.Schifrin@dcsc.gov

**Fax:** (202) 879-1797

**Courtroom:** Courtroom 200  
Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, DC 20001

**Courtroom phone:** (202) 879-7866

Unless otherwise directed, proceedings in civil matters before Judge Epstein will take place in Courtroom 200. Pretrial and settlement conferences are conducted in Courtroom 200 or in the adjoining jury room.

**II. COMMUNICATIONS WITH CHAMBERS**

Except as specifically authorized in this Supplement, no party or lawyer may contact chambers by telephone. Judge Epstein’s staff may not and will not provide advice of any kind about court rules, practices, or procedures. Judge Epstein does not accept letters from parties or lawyers about a case. If a party needs clarification of any rule, practice, or procedure, it should file a motion.

In extraordinary circumstances, parties may contact chambers *jointly* concerning urgent scheduling issues.

### III. MOTIONS

**Consent to motions:** Judge Epstein strictly enforces the requirement in Rule 12-I(a) that, before a party files a motion, it must seek the consent of other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, Judge Epstein 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. Judge Epstein generally grants consent motions – without waiting for any response.

**Paper copies:** Judge Epstein strictly enforces the requirement in Administrative Order 06-17 that a party must provide a paper copy of any filing that, including exhibits, exceeds 25 pages. If a party fails to comply with this requirement, Judge Epstein may decide not to consider the filing.

**Proposed order:** Judge Epstein strictly enforces the requirement in Administrative Order 06-17 that a party filing a motion must submit electronically to JudgeEpsteinchambers@dcsc.gov a proposed order in a format that can be edited (generally Word). If a party does not submit a proposed order in such format, Judge Epstein 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 Epstein discourages memoranda more than ten pages long. No party may submit a motion and memorandum more than fifteen pages long without leave of the court. Judge Epstein grants leave to file longer documents only in extraordinary circumstances. If a party fails to comply with these rules, Judge Epstein 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.

**Consolidated motions:** A party, or multiple parties aligned in interest and represented by the same lawyer, should ordinarily raise in one motion all the grounds for the relief they seek. For example, a party should file one summary judgment motion if the party seeks summary judgment on multiple grounds, or one motion *in limine* if the party seeks pretrial rulings on multiple issues. The party (or parties) may file with the consolidated motion a motion for leave to file a longer brief to the extent that more pages are needed to address multiple issues. Judge Epstein ordinarily grants motions for reasonable increases in page limits because consolidated motions are more efficient and require fewer total pages than separate motions. Judge Epstein may deny separate motions to the extent they avoid the usual page limits.

**Reply briefs:** A party may file a reply as permitted in Rule 12-I(g). No party may submit a reply more than five pages long without leave of the court. A party may not file a sur-reply with leave of the court.

**Motions for leave to file:** Except in extraordinary circumstances, a party seeking leave to file a document should submit with the motion a copy of the proposed filing.

**Motions to extend deadlines and reschedule hearings:** Any motion for extension of time should include a statement of the number of previous extensions of the deadline, and discuss the effect of granting the motion on other deadlines that would remain unchanged if the extension is granted.

Judge Epstein does not automatically grant multiple extensions of scheduling orders even when the parties agree. Judge Epstein expects any request for an extension to be based on the parties' realistic assessment of the time needed to complete the remaining tasks, and thereby to eliminate the need for additional extensions except in unexpected circumstances. The more extensions one or all parties request, the stronger the justification required for each successive request, including a demonstration that the factors that justify the additional extension were not reasonably foreseeable at the time the parties requested the previous extension. It is not a sufficient justification that the lawyers were too busy on other matters to complete tasks on the schedule that they previously proposed and agreed to.

Moreover, the longer the requested extension, the stronger the justification that Judge Epstein expects.

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 three alternative dates and times that are convenient to all parties.

Except as provided in Rule 16(b)(7)(B), stipulations between parties or lawyers are not effective to change deadlines set by the Court. To extend any such deadline, a party must file a motion requesting and justifying the extension.

**E-filed motions:** It takes time for e-filed motions and other filings to reach chambers. It may take 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), contact the Clerk's Office at (202) 879-1133, or check [Casefileexpress.com](http://Casefileexpress.com). If a party contacts chambers, that party will be told only that Judge Epstein rules on any pending motion as promptly as possible.

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

#### **IV. DISCOVERY**

Judge Epstein strictly enforces the requirements in Rules 26(h) and 37(a)(1)(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 advance consultation. If a party submits such a motion without such a certification, Judge Epstein may summarily deny the motion, and if the party chooses to refile the motion with the certification, it will pay another \$20 filing fee.

A party filing a motion to compel must contact Judge Epstein's chambers within two business days after filing the motion and provide three dates within two weeks after the motion is ripe on which all counsel and unrepresented parties will be available for a hearing on the motion.

## V. SCHEDULING AND SETTLEMENT CONFERENCES

**Scheduling praecipes:** Notwithstanding the earlier deadline in Rule 16(b)(2), Judge Epstein will approve a Civil Action Form 113 ("Praecipe Requesting Schedule Order") submitted up to 12:00 p.m. on the day before the scheduling conference date. In cases in which all parties are represented by counsel, and no pending motions or other matters require the Court's attention, Judge Epstein encourages attorneys to consult with opposing counsel and submit a CA Form 113 rather than appear in court for a scheduling conference.

**Scheduling and calendars:** Any party or lawyer who attends a hearing where matters can reasonably be expected to be scheduled shall bring a calendar. Judge Epstein, and the courtroom clerk, will not delay setting a schedule to give anyone an opportunity to contact the person's office. If the person does not have his or her schedule immediately available, Judge Epstein 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.

**Joint pretrial statements:** Rule 16(e) requires the filing of a joint pretrial statement at least one week before the pretrial conference. Judge Epstein may cancel a pretrial conference if the parties have not timely filed the joint pretrial statement.

**Motions *in limine*:** Consistent with Rule 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. Judge Epstein generally rules on motions *in limine* at the pretrial conference.

**Settlement conferences:** Judge Epstein conducts a settlement conference along with the pretrial conference. He expects the parties to discuss settlement before the conference (including insurance adjusters) and to bring any useful photographs, documents, or other material.

**Non-party principals:** Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in person. Judge Epstein 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.

**Pretrial status hearing:** At the pretrial conference, Judge Epstein ordinarily schedules a trial date, and he may also schedule a status hearing no more than two weeks before trial. At any

pretrial status hearing, counsel and unrepresented parties must appear and be prepared to discuss voir dire questions and procedures, scheduling concerns, any remaining evidentiary issues, and other matters that Judge Epstein can usefully address before trial.

## **VI. TRIALS**

### **A. Pretrial and trial procedures**

**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.

**Witness availability:** Judge Epstein will not delay the trial to accommodate a witness' schedule, except in extraordinary, unexpected, and documented circumstances. If a witness availability issue arises, a party shall immediately notify other parties and chambers.

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

**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/node/18758>

**Mid-trial issues:** If an issue arises during trial, Judge Epstein strongly encourages parties to raise it by sending an email by 8:30 a.m. of the next trial day to [JudgeEpsteinChambers@dsc.gov](mailto:JudgeEpsteinChambers@dsc.gov), with a copy to all other parties.

**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 should be part of the record on appeal.

### **B. Jury selection and instructions**

Before the meeting three weeks before the pretrial conference required by Rule 16(c), Judge Epstein 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 Epstein instructs the jury before closing arguments.

**C. Availability during deliberations**

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

**VII. LANGUAGE ACCESS**

The Court provides professional interpreters in all matters, when needed. The party who needs an interpreter must notify the Court before any hearing at which an interpreter will be needed. Family members, friends, lawyers, or lawyers' staff are not permitted to interpret for parties or witnesses during a hearing.