

SUPPLEMENT TO GENERAL ORDER- JUDGE MAURICE A. ROSS

(Revised 1/5/2022)

I. CHAMBERS STAFF AND COURTROOM FOR CALENDAR 6

Judge: Maurice A. Ross

Chambers: Suite 6600, Moultrie Building
500 Indiana Avenue, N.W.
Washington, DC 20001

Chambers email address: JudgeRossChambers@dcsc.gov

Law Clerks: Kevin Wolfe (Kevin.Wolfe@dcsc.gov)

Judicial Administrative Assistant: Katrina Richardson-Butler
(Katrina.Richardson@dcsc.gov)

Courtroom: 100, Moultrie Building

During the period of remote operation, as determined by the Chief Judge of the Superior Court, all proceedings will take place in Virtual Courtroom 100, which the parties and counsel may access in the following ways:

- (1) going to the WebEx website at <https://dccourts.webex.com/meet/ctb100> or going to <https://dccourts.webex.com> and entering meeting ID number **129 846 4145**; or
- (2) downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb100>; or
- (3) calling 1-844-992-4726 or 202-860-2110 and entering meeting ID number **129 846 4145#**.

Parties having trouble connecting to their remote hearing via electronic device should call on a telephone line. 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.

II. WEEKLY SCHEDULE

Judge Ross generally sits between the hours of 9:30 a.m. and 4:45 p.m., with a break for lunch at 1:00 p.m.

Unless otherwise directed, matters on Calendar 6 are scheduled as follows:

Pretrial/Settlement Conferences: Tuesdays, Wednesdays, and Thursdays at 9:30 a.m. and 12:00 p.m.

Trials: Mondays, Tuesdays, Wednesdays, and Thursdays, from 9:30 a.m. until 4:45 p.m. For trials lasting longer than four (4) days, Judge Ross will sit on Fridays from 10:00 a.m. until 4:30 p.m.

Scheduling Conferences, Oral Examinations, *Ex Parte* Proofs, and other matters: Fridays beginning at 9:30 a.m.

Motion Hearings: As scheduled by Chambers.

III. COMMUNICATIONS WITH CHAMBERS

No party or lawyer may contact chambers by telephone. Judge Ross' staff may not and will not provide advice of any kind about court rules, practices or procedures. Judge Ross 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. If it is necessary for parties or counsel to contact chambers, they may send an email to the law clerk(s) and the judicial administrative assistant, copying the other party or parties.

IV. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set forth in Rule 16(b) of the Superior Court Rules of Civil Procedure, Judge Ross will consider a Civil Action Form 113 (Praecipe Requesting Scheduling Order) filed at least two calendar days before the date of the scheduling conference. A praecipe filed later than the Wednesday preceding a Friday scheduling conference therefore will not be considered, and the parties will be required to appear for the scheduling conference. Parties are reminded that praecipis should not be filed in cases where an answer has not been filed or pending motions are on the docket.

V. MOTIONS

Consent Motions: Judge Ross strictly enforces the requirement in Rule 12-I(a) of the Superior Court Rules of Civil Procedure that, before filing any motion (except pursuant to Rule 11), the moving party must first ascertain whether other affected parties will consent to the relief sought. Judge Ross requires that parties include a certification indicating whether the affected parties consent to the requested relief. Judge Ross may summarily deny a motion that does not contain the requisite certification. The title of every motion must indicate whether the motion is opposed or consented. Judge Ross generally grants consent motions. The filing of consent motions does not change or alter any existing court order or deadline.

Proposed Order: Proposed orders shall be submitted through CaseFileXpress. Any proposed consent order must be filed with a motion requesting the relief sought, and explaining the basis for the request. A proposed consent order filed without an accompanying motion will be summarily stricken from the Court's docket. Counsel shall provide a courtesy copy of **all** proposed Orders in WORD format to Chambers at JudgeRossChambers@dcsc.gov.

Length of Filings: Judge Ross discourages memoranda more than fifteen double-spaced pages long. No party may submit a motion and memorandum more than twenty pages long without leave of Judge Ross. If a party fails to comply with these rules, Judge Ross may summarily deny the motion.

Paper copies: Judge Ross requires parties to provide a paper copy of any filing that exceeds twenty-five (25) pages in length. Parties must mail the paper copy to Judge Ross' chambers at the address listed above.

Reply Briefs: Parties who wish to file a reply brief may do so within seven calendar days of the filing of an opposition brief without leave of the Court. No party may submit a reply to an opposition that is more than five pages long, or a sur-reply without leave of Judge Ross.

E-Filed Motions: It generally takes at least three business days for the Clerk's Office to process filings. A lawyer or party who has a question about the status of a pending motion or why a particular filing was rejected should check online at <http://www.dccourts.gov/internet/CCO.jsf>, contact the Clerk's Office at (202) 879-1133, or check CaseFileXpress.com. Parties may not contact chambers to inquire about rejected filings. If the Clerk's Office initially rejects a filing, which causes the filing to be out of time, the affected party must file a motion to late-file the papers in question.

Motions in Limine: Judge Ross generally rules on motions *in limine* at or before the pretrial conference. In accordance with the deadline set forth in Rule 16(d) of the Superior Court Rules of Civil Procedure, parties should file motions *in limine* at least three weeks before the pretrial conference, and oppositions to such motions should be filed no later than one week before the pretrial conference.

Continuances & Extensions of Time: Except in extraordinary circumstances involving unforeseeable events, all motions seeking to extend a deadline or continue a hearing must be filed at least three business days prior to the scheduled date. Any motion to reschedule a hearing or mediation session must suggest alternative dates and times that are convenient to both parties. A motion that is not filed at least three days in advance may be ignored with no action taken by the Court. The parties are reminded that the filing of a motion itself does not continue the matter or extend the deadline.

Consolidated Motions: A party ordinarily should raise in one motion all of the grounds for the relief it seeks. For example, a party should file one summary judgment motion or one motion *in limine*, even if the party seeks summary judgment on multiple grounds or pretrial rulings on multiple issues. If a consolidated motion exceeds the Court's usual page limit, the party may file, with the consolidated motion, a motion for leave to file a brief exceeding the page limit. Such requests are ordinarily granted because consolidated motions are more efficient and require fewer total pages than separate motions.

Motions for Default Judgment: A party filing a motion for default judgment should obtain the affidavit required by the federal Servicemember Civil Relief Act (form 114) no more than 30 days prior to moving for default judgment. The Court has discretion to require parties that submit an affidavit that is dated more than 30 days prior to the filing for default judgment to submit a more recent affidavit.

Emergency Motions: Parties should request expedited action only in truly urgent situations. Parties and attorneys should be aware of the requirement of Rule 12-I(e) that the non-moving party be granted fourteen days within which to file a written opposition. Merely because a party labels a pleading as an "emergency motion" does not mean that the Court will act on an expedited basis. A

party filing an emergency motion must send a courtesy copy of the motion by email to Judge Ross' chambers staff and to the other parties.

VI. DISCOVERY

Motions to Compel Discovery: The Court strictly enforces the requirements set forth in Rules 26(h) and 37(a), which require the parties to meet for a reasonable period of time in an effort to resolve or narrow any discovery dispute and to include a certification regarding such a meeting in discovery-related motions. If a party submits a discovery-related motion without a certification, the Court may summarily deny the motion. The Court places pending discovery motions on its Discovery Motions Calendar; and if a hearing is held, the Court will award attorneys' fees and costs to the prevailing party, as prescribed by Rule 37(a)(5).

VII. LANGUAGE ACCESS

The Court provides professional interpreters in all matters, when needed. The parties must notify the Court in advance of any hearing for which an interpreter will be needed. Family members, friends, counsel, or counsel's staff will not be permitted to interpret for parties or witnesses during a hearing.

VIII. MEDIATION

Parties must attend mediation sessions unless a motion is filed to vacate or change the mediation date. Where a party fails to appear for mediation, chambers may issue an order for the party that did not appear to show cause why it should not be sanctioned for its failure to appear. The order will give the party the options of paying the mediation fees expended to the Court Registry or appearing in court for a hearing on the order to show cause. Where both parties fail to appear, each party will be provided the same options.

IX. SCHEDULING AND PRETRIAL CONFERENCES

Non-party Principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend mediation sessions and pretrial conferences in person. 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.

Scheduling and Calendars: Any party or lawyer who attends a hearing during which the Court may reasonably be expected to schedule a hearing or deadline shall bring a calendar. If a party or lawyer does not have his or her schedule immediately available, Judge Ross will set a schedule, and the party may later file a motion to modify the schedule if the party so chooses.

Joint Pretrial Statements: Counsel and parties are reminded that Rule 16(e) of the Superior Court Rules of Civil Procedure requires the filing of a joint pretrial statement no later than one week before the pretrial conference. Judge Ross may order a continuance of a pretrial conference if the parties have not timely filed a joint pretrial statement that satisfies the requirements of Rule 16(e).

X. VIRTUAL COURTROOM PROTOCOL

Guidelines: When entering the virtual courtroom (by dialing in on a phone, or signing in through the website or app), the party should not attempt to speak because another hearing may be underway. Each party should be automatically muted by the courtroom clerk when you first arrive. If you are using the WebEx website or the app, you may check in with the courtroom clerk using the “chat” function. If you are on a telephone, you should wait for your case to be called.

Exhibits: If a party or counsel intends to rely on exhibits or other documents during the hearing, the party or counsel shall e-mail the exhibits to the Court at judgerosschambers@dcsc.gov, copying all sides, no later than 5:00 p.m. the day before the hearing. The party or counsel also must file the exhibits on the docket using the CaseFileXpress system and provide a copy of the exhibit to any witness before the hearing. The exhibits must be separately labeled so that they can be easily identified by all parties and the Court during the remote hearing. An exhibit list must be provided to the courtroom clerk prior to the hearing.

XI. VIRTUAL BENCH TRIALS

Schedule: During the period of remote operation, Judge Ross will hold all bench trials remotely in Virtual Courtroom 100. Trials are generally scheduled to begin on Mondays at 9:30 a.m. Parties and attorneys should be prepared, however, to begin trial on Monday, Tuesday, Wednesday, or Thursday during the week that the trial is scheduled. Judge Ross generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m. By rule, Judge Ross will adjourn each day no later than 4:45 p.m.

Exhibit Index: On the first day of trial, each party must submit an exhibit summary form by emailing the form to judgerosschambers@dcsc.gov. Parties may obtain this form from the Clerk’s Office or on the Court’s website at <https://www.dccourts.gov/sites/default/files/pdf-forms/dcsc15r1-06.pdf>.

Custody of Exhibits: 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.

Mid-trial Issues: If an issue arises during trial, the parties should raise it by sending an email by 8:30 a.m. of the next trial date to Judge Ross’ chambers staff and to all other parties.

Witness availability: Judge Ross 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.

Rule on Witnesses: Judge Ross enforces the rule on witnesses for all virtual bench trials. Accordingly, each party is responsible for ensuring that their non-party witnesses are not logged into the trial proceeding at any point other than when they are testifying. Prior arrangements should be made so that witnesses can appear on camera and be isolated from other witnesses and third parties when testifying.

Proposed Findings of Fact and Conclusions of Law: As a discretionary matter, the Court may require counsel to provide proposed findings of fact and conclusions of law at the close of the evidence.

XII. IN-PERSON COURTROOM PROTOCOL AND PROCEDURES

Addressing the Court: For in-person hearings, physically able attorneys and *pro se* parties are expected to stand when addressing the Court. Speaking objections are prohibited.

Questioning of Witnesses & Demonstrations: Questioning of witnesses must be conducted from behind the podium. Walking in the well of the courtroom is prohibited except as permitted by the Court. Permission is required to approach the Court. Any in-court demonstration requires prior permission of the Court.

Audio-Visual Equipment: Any attorney who desires to bring audio-visual equipment into the courtroom for trial or a hearing must secure a letter from the Court permitting the entry of such items into the courthouse, for presentation to security personnel. Such a letter must be obtained well in advance of the particular proceeding.

If a party intends to use court technology during a hearing, the party should send an email to Judge Ross' chambers staff and courtroomtechnology@dcsc.gov at least three (3) days before the hearing so the Court can be prepared to facilitate the use of its technology. The email should include a brief description of the technology the party wishes to use.

XIII. IN-PERSON JURY TRIALS

Schedule: Jury trials are scheduled to begin on Mondays at 9:30 a.m., and thereafter generally are held between 9:30 a.m. and 4:45 p.m. Parties and attorneys should be prepared, however, to begin trial on Monday, Tuesday, Wednesday, or Thursday during the week that the trial is scheduled. Judge Ross generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m.

Jury Instructions and Objections: One week prior to trial, the parties shall email a copy of the proposed verdict forms and the proposed standard and special jury instructions in Microsoft Word format to JudgeRossChambers@dcsc.gov. If the parties object to any proposed jury instructions, they must include the reasons for that objection and any case law supporting their objection.

Trial Status Update: On the Wednesday preceding a trial date, the parties shall email chambers to inform the Court whether the parties expect to proceed on the scheduled trial date. If the parties' expectations change at any point before the date of trial, the parties shall update chambers by email. The email should include the anticipated number of witnesses for each party, a list of witnesses for each party identified by name, a list of exhibits for each party, an indication of an exhibit that is objected to, whether the parties are willing to waive a jury trial in favor of a bench trial, whether the trial is on liability and/or damages, and a realistic estimate of time for each side to present its case.

Juror Notes: The Court allows jurors to take notes.

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/sites/default/files/pdf-forms/dcsc15r1-06.pdf>.

Custody of Exhibits: During trial, the parties may leave exhibits that have been 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.

Mid-trial Issues: If an issue arises during trial, the parties should raise it by sending an email by 8:30 a.m. of the next trial date to Judge Ross' chambers staff and to all other parties.

Witness availability: Judge Ross 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.

Availability during deliberations: Throughout jury deliberations, counsel must be available on five (5) minutes' notice. Counsel should give the courtroom clerk a telephone number where they can be reached.