

**SUPPLEMENT TO GENERAL ORDER
JUDGE D.W. TUNNAGE
CIVIL CALENDAR 7
Effective November 29, 2023**

I. GENERAL INFORMATION

Judge: D.W. Tunnage

Courtroom: Courtroom 516, Moultrie Building
500 Indiana Avenue N.W.
Washington, DC 20001

Chambers: Suite 2420, Moultrie Building

Chambers telephone: 202-879-1881

Chambers Email address: JudgeTunnageChambers@dcsc.gov
(Email sent directly to Judge Tunnage without prior leave of court will be deleted with no action taken)

Law Clerks: Jeremy Mauritzen (Jeremy.Mauritzen@dcsc.gov)
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Proceedings in matters on Calendar 7, **except for bench trials, jury trials and pretrial conferences**, will take place in Virtual Courtroom 516, which may be accessed in the following ways:

- (1) going to the WebEx website at <https://dccourts.webex.com/meet/ctb516> or going to <https://dccourts.webex.com> and entering meeting ID number 129 776 4396; or
- (2) downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb516>; or
- (3) calling 1-844-992-4726 or 202-860-2110 and entering meeting ID number 129 776 4396.

Parties having trouble connecting to their remote hearings may call chambers at 202-879-1881 for assistance. 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.

NOTE: Counselors are required to appear *via* WebEx video and log in so that their names appear on screen. Telephonic appearance by counselors must be approved by Chambers prior to the hearing. Counselors are further required to appear attired for official courtroom proceedings for all hearings (*i.e.*, remote and in-person). All other parties are highly encouraged, but not required, to appear *via* WebEx video and identify themselves by name, which may also include the preferred manner for the Court to address them.

When entering the virtual courtroom, parties must mute their devices to avoid interrupting another hearing that may be underway. If using the WebEx website or the app, parties may check in with the courtroom clerk using the “chat” function. Parties accessing the hearing by telephone only should wait for their cases to be called before speaking.

Judge Tunnage enforces the rule on sequestration of witnesses for any virtual evidentiary proceedings. Accordingly, each party is responsible for ensuring that its non-party witnesses are not logged into the evidentiary proceeding at any point other than when the non-party witnesses are testifying. In addition, parties are reminded that Administrative Order 20-08 strictly forbids the audio and/or video recording of virtual hearings, including the taking of screenshots. Individuals found in violation of this order may be subject to contempt of court.

II. WEEKLY SCHEDULE

Unless otherwise directed, matters on Calendar 7 will take place as follows:

Pretrial/Settlement Conferences: Tuesdays, Wednesdays, and Thursdays at 9:30 a.m. and 2:30 p.m.

Trials: Mondays through Thursdays from 9:30 a.m. until 4:30 p.m.

Scheduling Conferences and other matters: Fridays beginning at 9:30 a.m.

Motions Hearings: As scheduled by Chambers.

III. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set forth in Rule 16(b) of the Superior Court Rules of Civil Procedure, Judge Tunnage will accept a *Praecipe* Requesting Scheduling Order (Civil Action Form 113) filed by 12:00 p.m. one day before the date of the scheduling conference. In cases in which all parties are represented by counsel and there are no pending motions or other matters requiring the Court's attention, Judge Tunnage strongly encourages attorneys to consult with opposing counsel and submit a CA Form 113, rather than appearing for a scheduling conference.

IV. MOTIONS

Contact information: Consistent with Rule 10-I (b)(1), the signature block for all pleadings must include the name, office address, telephone number, email address and Bar number of the attorney, or if a party is proceeding *pro se*, the party's name, address, telephone number and email address.

Consent to motions: The title of every motion must indicate whether the motion is opposed or consented to/unopposed. Judge Tunnage strictly enforces the requirement in Rule 12-I(a) that, before a party files a nondispositive motion, it must seek the consent of other affected parties, include a certification that consent was sought and indicate whether the other affected parties consent to the requested relief. Judge Tunnage may summarily deny a motion that does not contain the requisite certification, and if the party chooses to refile the motion with a certification, it will pay another \$20 filing fee.

Proposed order: A party eFiling a motion shall include a proposed order as part of the submission. Additionally, a party shall provide a courtesy copy of all proposed Orders in WORD format to JudgeTunnageChambers@dcsc.gov.

Length of filings: No party may submit a motion or opposition with a legal memorandum exceeding fifteen double-spaced pages in length without obtaining prior leave of Judge Tunnage. If a party fails to comply with these requirements, the motion may be summarily denied or struck.

Paper copies: Judge Tunnage requires that a party, in addition to eService, provides Chambers with a paper copy of any filing (including exhibits) that exceeds twenty-five pages in length. **Parties shall also submit a courtesy copy of any such filing to JudgeTunnageChambers@dcsc.gov.**

Exhibits to motions: If a party attaches three or more exhibits to a motion, an exhibit list must be included identifying each exhibit and each exhibit must be marked accordingly.

Reply briefs: No party may submit, without leave of court, a reply brief longer than seven pages. Sur-replies may not be filed without leave of court.

Motions *in Limine*: To the extent practicable, Judge Tunnage will generally rule on motions *in limine* at or before the pretrial conference. In accordance with the deadline set forth in Rule 16(d), parties shall file motions *in limine* at least three weeks before the pretrial conference. Oppositions to such motions should be filed no later than one week before the pretrial conference.

Motions to reschedule hearings: Any motion to reschedule a hearing or mediation session must suggest three alternative dates and times when all counselors, unrepresented parties and other necessary parties will be available.

Consolidated Motions: A party ordinarily should raise in one motion all 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 leave requests are ordinarily granted, if they are reasonable.

Emergency Motions: Judge Tunnage expects parties to request expedited action only in genuinely urgent situations. A party filing an emergency motion must send a courtesy copy of the motion and the proposed order (in a format that can be edited) by email to JudgeTunnageChambers@dcsc.gov and to the other affected parties.

E-Filed Motions: It takes time for e-filed motions and other filings to reach chambers; it may take up to 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 should check online at <http://www.dccourts.gov>, contact the Clerk's Office at (202) 879-1133, or check with the electronic filing vendor, prior to contacting Chambers.

***Ex Parte* Proof hearings:** If a party intends to introduce exhibits, the party is required to file a *praecipe*, attaching the exhibits, with the Court one week prior to the hearing. The party must also email a courtesy copy of the filing to JudgeTunnageChambers@dcsc.gov.

V. DISCOVERY

Motions to Compel Discovery: Rules 26(h) and 37(a) require the parties to meet for a reasonable period in an effort to resolve or narrow any discovery dispute and include a certification regarding such a meeting in discovery-related motions. If a party submits a discovery-related motion without a certification, Judge Tunnage may summarily deny the motion and if the party chooses to refile the motion with a certification, the party will pay another \$20 filing fee. In-person meet and confer requirements may be satisfied by virtual or telephonic meetings.

Before filing a motion related to a discovery dispute, the moving party must communicate with the opposing party to suggest dates and times for a hearing on the motion, and the motion must include three proposed dates and times at which all counsel, unrepresented parties and other necessary parties will be available.

Judge Tunnage will presumptively award attorney's fees and any costs associated with litigating the motion to the prevailing party, pursuant to Rule 37(a)(5); parties should bring documentation of their fees to any hearing on the motion. The parties are encouraged to resolve discovery disputes prior to any discovery hearing, and the moving party may file a *praecipe* withdrawing the motion to compel if parties are able to reach resolution.

VI. PRETRIAL CONFERENCES AND TRIAL READINESS HEARINGS

In-person appearance required: All parties shall appear in-person for pretrial conferences, unless Judge Tunnage has authorized or directed parties to appear remotely.

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend all mediation sessions and pretrial or settlement conferences, either in person or remotely. Any request to excuse a non-party principal should be made by motion at least two weeks prior to the scheduled event.

Joint Pretrial Statements: Rule 16(e) requires the filing of a joint pretrial statement no later than one week before the pretrial conference. Judge Tunnage may *sua sponte* cancel and continue the pretrial conference if the parties have not timely filed a joint pretrial statement that satisfies the requirements of Rule 16(e).

Trial readiness hearing: At the pretrial conference, the Court may schedule an in-person trial readiness hearing to occur approximately one week prior to trial. Counselors and unrepresented parties are required to attend the trial readiness hearing and be prepared to discuss *voir dire* questions and procedures, scheduling concerns, any outstanding evidentiary issues, and other matters requiring the Court's attention prior to trial. During the trial, counselors is expected to display all exhibits, including audio, video, photographic and documentary exhibits, *via* WebEx. The trial readiness hearing serves as an opportunity for counselors to ensure that they have the necessary technical capacity and equipment to do so.

VII. LANGUAGE ACCESS

The Court provides professional interpreters in all matters, when needed. The party requiring 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.

VII. D.C. BAR VOLUNTARY STANDARDS OF CIVILITY IN PROFESSIONAL CONDUCT

Attorneys are expected to adhere to these Standards in their dealings with one another and with other participants in the legal process. The Standards may be found on the D.C. Bar's Website: www.dcb.org/for-lawyers/legal-ethics/d-c-bar-voluntary-standards-of-civility-in-profess.

Judge Tunnage and his Chambers staff express their appreciation in advance for compliance with this Supplement to the General Order.