

**ADDENDUM TO THE GENERAL ORDER CONCERNING CIVIL CASES**  
**Amended June 1, 2021**

In a series of orders, the Chief Judge of the Superior Court of the District of Columbia suspended, tolled, and extended certain deadlines during the period of the current emergency. On May 19, 2021, the Chief Judge issued the most recent order. *See* [https://www.dccourts.gov/sites/default/files/matters-docs/Amended-General-Order-5\\_19\\_21.pdf](https://www.dccourts.gov/sites/default/files/matters-docs/Amended-General-Order-5_19_21.pdf).

**Termination of tolling.** The May 19 order generally provides that in civil cases, no deadlines and time limits in statutes, court rules, and standing and other orders issued by the Court are suspended, tolled or extended during the period of emergency, with two exceptions: (1) statutes of limitations on claims subject to a statutory moratorium during a public health emergency are suspended, tolled and extended until the moratorium ends; and (2) the time limits concerning the validity and issuance of writs of restitution in Rules 16(a)(4) and 16(c) of the Superior Court Rules of Procedure for the Landlord and Tenant Branch that would otherwise expire during the period of emergency are suspended, tolled and extended during the period of emergency.

The May 19 order continues to authorize the court to extend deadlines by order. Therefore, a party may file a motion for the court to extend any deadline for reasons related to the public health emergency or otherwise.

For an explanation of determining new deadlines when suspension, tolling, and extension under prior orders ended, *see* Addendum to the General Order for Civil Cases amended January 31, 2021 (<https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/addendum-to-the-general-order-final-1-21-21.pdf>).

**In-person meetings.** Rules 16(h)(1) and 37(a)(1)(A) provide that parties meet for a reasonable period of time to resolve a discovery dispute before anyone can file a discovery-related motion, and Rule 16(c)(1) requires that lawyers and unrepresented parties meet “in person” before a pretrial conference. During the public health emergency, one or all parties may have good reasons not to meet in person, and conferring by telephone or videoconference may be a reasonable alternative in the circumstances. Judges have discretion to waive or modify the “in person” meeting requirements in Rules 16(c)(1), 37(a)(1)(A), and 26(h)(1). This discretion exists even if the parties do not ask for advance approval to attempt to resolve an issue without an in-person meeting, and the parties instead inform the court in a motion or joint pretrial statement that they conferred without an in-person meeting for specified pandemic-related reasons. Parties can expect judges to rule on discovery motions and conduct pretrial conferences, if the parties have not met but one or both parties had a reasonable basis related to the pandemic not to meet in person and the parties conferred, or offered to confer, through reasonable alternative methods.

**Eviction cases.** Like the November 5 and January 13 orders, the May 19 order provides for continued suspension, tolling, and extension of the time limits concerning the validity and issuance of writs of restitution. Under Rule 16(a)(4), a writ of restitution is valid for a period of 75 days, and this 75-day period is suspended, tolled, and extended during the period of the judicial emergency. For example, if a writ was issued 25 days before the judicial emergency began on March 18, 2020, it will remain valid for 50 days after the judicial emergency ends,

which will be on July 15, 2021 unless it is further extended. Under Rule 16(c), either a writ of restitution must be issued within 90 days after entering a judgment or default or after vacating a stay of execution, or the plaintiff may file a request for issuance of the writ. This 90-day period for issuance of writs is suspended, tolled, and extended during the period of the judicial emergency. For example, if a judgment was entered 30 days before the judicial emergency began on March 18, 2020 and the plaintiff has made a request for issuance of a writ, the court may issue a writ within 60 days after the judicial emergency ends, and the plaintiff need not file another request for issuance of a writ. If the plaintiff has not requested issuance of a writ because a judgment or default was issued during the period of the judicial emergency, the plaintiff must file its request for issuance of a writ within 90 days after the judicial emergency ends.

The U.S. Marshals Service will not schedule or oversee any eviction unless the plaintiff has obtained an order or judgment stating explicitly that execution of the writ of restitution is not prohibited by the eviction moratorium or other statutory restriction and that if and when the plaintiff pays the required fee, the clerk should issue a writ of restitution and transmit it to the Marshals Service for scheduling of an eviction and execution of the writ. A plaintiff may move orally at a hearing for inclusion of this language or file a motion requesting an order that the eviction may proceed because it is not prohibited by any moratorium.

D.C. law creates a so-called public safety exception to eviction-related moratoriums if the complaint alleges, or the plaintiff proves, that “[t]he tenant’s continuing presence at the housing accommodation presents a current and substantial threat to the health and safety of tenants, on-site agents or employees of the owners of the housing accommodation, or household members or guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in one of the following acts at the housing accommodation: unlawful possession of firearms, threats or acts of violence, or assault.” The court will not schedule a hearing in a newly filed eviction case pursuant to the public safety exception unless the plaintiff (1) files a 1B complaint and includes allegations in section 3(B) “other reasons” that satisfy applicable pleading requirements and (2) states in the “comments” section via CaseFileXpress that it is invoking the public safety exception and requesting a hearing.

**Notice of evictions.** Like the November 5 and January 13 orders, the Chief Judge’s May 19 order contains the following provision concerning notice of evictions:

Because (1) the Court has inherent authority to ensure that judgments for possession and writs of restitution are executed in a fair and orderly way, (2) the fair and orderly execution of writs of restitution requires landlords to provide reasonable notice of the rescheduled date when an eviction was postponed for a substantial period due to a public health emergency and not for a short period due to temperature or precipitation, and (3) it would not impose an unreasonable or undue burden on landlords to provide notice of the rescheduled date consistent with the terms of D.C. Code § 42-3505.01a, any landlord shall, when an eviction that had been scheduled on or after March 16, 2020 is rescheduled after the statutory stay on evictions ends, send a notice that complies with the requirements of D.C. Code § 42-3505.01a at least 21 days before the date on which the eviction is rescheduled

This provision affects landlords and tenants in cases where a landlord provided the notice required by D.C. Code § 42-3505.01a at least 21 days before an eviction that was scheduled on or after March 16, 2020 and that was postponed due to the public health emergency. This provision requires landlords in these cases to provide a second notice that complies with § 42-3505.01a if the landlord reschedules the eviction after the period of the public health emergency ends.

**Debt collection cases.** The General Order Regarding Debt Collection Cases issued on May 7, 2020 specifically addresses deadlines in administratively-designated collection cases that are filed or pending during the period of the public health emergency declared by the Mayor and for 60 days after its conclusion. See <https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Collection-Case-General-Order.pdf>. This order provides that, unless otherwise ordered by the Court, all deadlines and time limits in statutes, court rules, and standing and other orders, including statutes of limitation and service of process deadlines, that would otherwise expire during this period are tolled during this period. The General Order implements statutory restrictions on debt collection activities until 60 days after the end of the public health emergency declared by the Mayor; the Mayor has extended the public health emergency to at least July 15, 2021.

The cases on the calendar commonly referred to as the debt collection calendar includes cases that are subject to statutory restrictions on debt collection activities and cases that are not subject to these restrictions. The Civil Division is not scheduling hearings in any case on the debt collection calendar unless a party files a motion explaining why the statutory restrictions do not apply. The Civil Division is scheduling hearings in cases involving insurance subrogation, which are not subject to these statutory restrictions.

**Mortgage foreclosure cases.** The General Order Regarding Residential Mortgage Foreclosure Cases issued on July 2, 2020 addresses the administration of mortgage foreclosure cases during the period of the public health emergency declared by the Mayor and for 60 days after its conclusion. See <https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/General-Order-for-Foreclosure-Cases-7-2-20.pdf>.

**Duration.** This Addendum to the General Order shall remain in effect unless and until it is modified or rescinded as circumstances change.

Issued on June 1, 2021 by order of the Presiding Judge of the Civil Division.



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Anthony C. Epstein  
Presiding Judge, Civil Division