

THIRD GENERAL ORDER REGARDING DEBT COLLECTION CASES

Effective February 1, 2022

As amended by temporary legislation, D.C. Code § 28-3814 prohibits specific consumer debt collection activities during the period of a public health emergency and for 60 days after its conclusion (the “Covered Period”). Section 28-3814(b)(1) defines a “public health emergency” to mean “a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.” In January 2022, Mayor Muriel Bowser issued two orders declaring a “limited public health emergency” pursuant to authority granted to the Mayor under various statutes, including D.C. Code § 7-2304.01: Order 2022-008 was issued on January 11 and declared a public health emergency until January 26, 2022; and Order 2022-019 was issued on January 26 and extended the public health emergency through February 15, 2022.

Representatives of defendants in consumer debt collection cases have taken the position that the Mayor’s declarations results in a new moratorium until April 16, which is 60 days after the current limited public health emergency ends on February 15. Representatives of a broad range of plaintiffs have informed the Court that they do not object to the continuance of hearings in these cases scheduled through April 16.

In the interests of justice, and to promote efficient administration of court operations during the Covered Period, the Court issues this Order to address cases on the debt collection calendar during the Covered Period, which is from the date of this Order through April 16, 2022.

Administratively-Designated Collection Cases by Filer. This Order applies only to cases identified by *filers* as “Collection” matters on the Court’s Information Sheet at the time of filing (“Administratively-Designated Collection Cases”).

Restrictions on the filing of new cases. During the Covered Period, parties filing new Administratively-Designated Collection Cases must include an attachment certifying that upon information and belief the case is not subject to D.C. Code § 28-3814(a).

Restrictions on garnishment and attachment. During the Covered Period, any party seeking a writ of attachment or garnishment or a judgment of condemnation in an Administratively-Designated Collection Case must include an attachment certifying that upon information and belief the party is not seeking the writ or judgment to obtain payment of a “consumer debt” to a “creditor” as defined in D.C. Code §§ 28-3814(b)(2) and (3).

Continuances of Events in Pending Cases. All hearings, mediations, and other events scheduled in Administratively-Designated Collection Cases during the Covered Period will be rescheduled to a date after April 16, 2022. Any Administratively-Designated Collection Case previously scheduled for a hearing during the Covered Period will be called, and the hearing will be rescheduled to a date after April 16, 2022 that is convenient to any parties that appear. If the defendant does not appear at a hearing in such a case during the Covered Period, the court will not enter a default. The court will issue a written order in each such case with the new hearing date and information about how the parties can participate remotely in the rescheduled hearing. In any such case in which the plaintiff has not obtained service, the plaintiff must serve a copy of

the hearing notice or order with the other documents specified in Small Claims Rule 4(a) and Civil Rules 4(c)(1) 4(m)(3).

Filings in Pending Cases. For Administratively-Designated Collection Cases that have already been filed and remain pending during the Covered Period, parties may file dismissals, satisfactions of judgment, and requests for continuance of hearings or other events. Parties are encouraged to review the provisions of § 28-3814 before making other filings.

Deadlines. Unless otherwise ordered by the Court, all deadlines and time limits in statutes, court rules, and standing orders, including statutes of limitation, that would otherwise expire during the Covered Period are tolled during the Covered Period for Administratively-Designated Collection Cases that are filed or pending during the Covered Period.

Service in Pending Cases. For Administratively Designated Collection Cases that are pending on the effective date of this Order, and in which the plaintiff has not filed proof of service by the effective date of this Order, the deadline for service is extended to 60 days after the last day of the Covered Period. This Order does not affect the ability of any plaintiff to seek a further extension of time for service under Small Claims Rule 19(d) or Civil Rules 4(m)(2) and/or 40-III(d).

Section 28-3814 may apply to cases that are not Administratively-Designated Collection Cases, and Administratively-Designated Collection Cases may not be covered by § 28-3814. Before filing or proceeding with any case during the Covered Period, plaintiffs have the responsibility to determine whether § 28-3814 applies and to comply with its requirements.

This General Order shall remain in effect unless and until it is rescinded or modified by the Presiding Judge of the Civil Division.

Issued on February 1, 2022 by order of the Presiding Judge of the Civil Division.



Anthony C. Epstein
Presiding Judge
Civil Division
Superior Court of the District of Columbia