

### **Rule 13. Motions**

(a) **IN GENERAL.** Unless otherwise provided by the rules or ordered by the court, a motion that depends on facts not in the record must be in writing and filed with the clerk. The motion must include a statement setting out the facts on which the motion is based. The movant may provide or the court may require declarations or other forms of sworn testimony.

(b) **TIMING AND NOTICE OF HEARING.** Except as provided in Rule 13(e), on filing of a motion, the clerk must set a hearing and provide a notice of motion hearing.

(1) *Timing.* The clerk must set a motion, except a motion filed under Rule 4(b)(3), for a hearing not earlier than 14 days after the motion is filed.

(2) *Notice.* The notice of motion hearing must specify the date, time, and location of the hearing and explain any option for remote participation.

(c) **SERVICE.**

(1) *By Counsel.* A movant represented by counsel must serve the motion in accordance with Civil Rule 5.

(2) *By Self-Represented Person.* A self-represented person filing a motion must provide a copy of the motion for each of the other parties. The clerk must serve a copy of the motion on each of the other parties and must enter the date and method of service on the docket.

(d) **OPPOSITION.**

(1) *In General.* Within 14 days after service of the motion or before the time set for any hearing, a party who opposes a motion may file an opposition. The court may extend the time for filing an opposition.

(2) *Attending Hearing.* If a hearing is set on the motion, a party who opposes the motion must participate in the hearing, either personally or through counsel.

(3) *Summary Judgment Motion Addressed in Civil Actions Branch.* A party who opposes a motion for summary judgment that will be decided by a judge in the Civil Actions Branch under Rule 13-I must file an opposition in accordance with Civil Rule 56.

(e) **MOTIONS NOT AUTOMATICALLY SCHEDULED FOR HEARINGS.**

(1) *Motion Addressed in Civil Actions Branch.* The clerk will not schedule a hearing for a motion that will be addressed by a judge in the Civil Actions Branch under Rule 13-I.

(2) *Motions to Alter or Amend or for Relief From a Ruling or Sanction.* Unless the court orders otherwise, the clerk will not schedule a hearing for a motion to alter or amend or for relief from a ruling or sanction. A motion to alter or amend or for relief from a ruling or sanction must, whenever practicable, be decided by the same judge who issued the ruling or sanction, and the motion must include that judge's name in the caption immediately below the case number.

(3) *Motions to Dismiss.* Unless the court orders otherwise, the clerk will not schedule a hearing on:

(A) a motion to dismiss by consent; or

(B) a motion to dismiss a case by the plaintiff if no counterclaim has been filed by the defendant.

(4) *Motions to Continue a Hearing.* Unless the court orders otherwise, the clerk will not schedule a hearing on a motion to continue a case that has been consented to by all parties.

(5) *Request for Hearing.* A party may request a hearing on a motion by stating at the bottom of the party's motion or opposition, above the party's signature, "Hearing Requested." If the court decides to hold a hearing on the motion, the court must give all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing.

(f) COURT ACTION.

(1) *In General.* Except as provided in Rule 13-1(e)(2), the court may not grant a motion to which the opposing party has not consented unless:

(A) an opposition has been filed or the time for filing under Rule 13(d)(1) has expired; and

(B) it appears from the motion, any accompanying exhibits and documents, any opposition, and any prior proceedings in the case that the movant is entitled to relief.

(2) *Application or Motion for Continuance.* For good cause, the court may grant an application or motion for continuance without waiting for the time period in Rule 13(d)(1) to expire.

(g) RETENTION; ASSIGNMENT BY THE PRESIDING JUDGE. A judicial officer sitting in the Landlord and Tenant Branch may retain a particular motion for decision by notifying the parties and causing an entry to be made in the docket. The Presiding Judge may also assign any motion arising in the Landlord and Tenant Branch to a particular judicial officer.

#### COMMENT TO 2023 AMENDMENTS

References to a statement of opposing points and authorities have been deleted consistent with the 2022 amendments to Civil Rule 12-1. The rule also has been amended to allow the court to permit parties to participate remotely, to be consistent with the court's new case management system, and to conform to the general restyling of the civil rules.

#### COMMENT TO 2019 AMENDMENTS

This rule has been amended and reorganized consistent with the stylistic changes to the civil rules. The rule has also been revised for electronic filing and service.

#### COMMENT

"In matters involving pleadings, service of process, and timeliness of filings, *pro se* litigants are not always held to the same standards as are applied to lawyers. Indeed, the trial court has a responsibility to inform *pro se* litigants of procedural rules and consequences of noncompliance [including] at least minimal notice . . . of pleading requirements. *Pro se* litigants are allowed more latitude than litigants represented by counsel to correct defects in service of process and pleadings." *Padou v. District of Columbia*, 998 A.2d 286, 292 (D.C. 2010) (citations omitted).

A motion captioned as a "Motion for Reconsideration" is considered under subsection (c)(2) as a motion to alter, amend, or for relief from a ruling or sanction and will be treated as such under this Rule. See *Fleming v. District of Columbia*, 633 A.2d

846, 848 (D.C. 1993); *Wallace v. Warehouse Employees Union #730*, 482 A.2d 801, 804-05 (D.C. 1984).

“The trial court is not free to treat as conceded an unopposed motion for summary judgment” filed under section (d). *Milton Props., Inc. v. Newby*, 456 A.2d 349, 354 (D.C. 1983). “Even if an unopposed motion for summary judgment is deemed to establish that no genuine issue of material fact exists, the court must still review the pleadings and other papers to determine whether the moving party is legally entitled to judgment.” *Id.*