

Rule 11. Preliminary Proceedings by the Clerk

(a) *Introductory Statement.* At the beginning of each session of the Court, the judge shall make an introductory statement approved by the Chief Judge or his or her designee that describes the procedures and legal framework governing cases brought in the Landlord and Tenant Branch.

(b) *Roll call and entry of a default when the defendant fails to appear.* The Clerk shall then call the cases scheduled for initial hearings that day to determine if any parties are absent. The Clerk shall enter a default against the defendant in any such case in which (1) the plaintiff or the plaintiff's attorney is present, (2) neither the defendant nor the defendant's representative is present, (3) there is no question as to the validity of service upon the defendant, and (4) the complaint alleges facts sufficient, if true, to entitle the plaintiff to possession of the premises.

(c) *Dismissal when both parties or the plaintiff fail to appear.* The Clerk shall dismiss the case without prejudice for want of prosecution if both parties fail to appear for the roll call, either personally or through counsel, or if the defendant appears, personally or through counsel, but neither the plaintiff nor the plaintiff's attorney is present.

(d) *All other cases.* The Clerk shall present all other cases to the Court for disposition except that the Clerk may continue a case to a later date upon agreement of the parties.

(e) *Entry of judgment for possession by default.*

(1) In any case in which a default is entered under section (b) and in which either the plaintiff seeks possession pursuant to section 1303 of the Residential Drug-Related Evictions Re-Enactment Act of 2000 (D.C. Code § 42-3602) (authorizing evictions for maintaining a "drug haven") or the defendant has previously entered an appearance, a judgment for possession in favor of the plaintiff may be entered only upon the plaintiff's presentation of ex parte proof and the filing of a Form CA 114 satisfying the Servicemembers Civil Relief Act (2003) (50 U.S.C. App. § 501 et seq.) indicating the defendant is not in the military service as defined by the Act. In cases requiring the presentation of ex parte proof, the plaintiff shall appear before the judge on the day that the default is entered to present ex parte proof or to schedule a hearing for a later date for the presentation of ex parte proof. If the presentation of ex parte proof is scheduled for another date, the Clerk shall send written notice to all parties.

(2) In all other cases in which a default is entered under section (b), the Clerk shall enter a judgment for possession in favor of the plaintiff upon the filing of a Form CA 114 satisfying the Servicemembers Civil Relief Act (2003) (50 U.S.C. App. § 501 et seq.) indicating the defendant is not in the military service as defined by the Act.

(f) *Entry of money judgment by default.* The plaintiff shall appear before the judge to request the entry of a money judgment following the entry of a default under section (b). The Court may hear and rule upon the plaintiff's request; however, entry of a money judgment by default shall be deferred until the plaintiff files a Form CA 114 satisfying the Servicemembers Civil Relief Act (2003) (50 U.S.C. App. § 501 et seq.) indicating the defendant is not in the military service as defined by the Act.