

### **Rule 13-I. Motions in Cases Certified to Civil Actions Branch**

(a) *Motions to be decided by the assigned judge.* The judge to whom a case has been assigned for a jury trial pursuant to SCR-LT 6 will determine the following motions in accordance with the Superior Court Rules of Civil Procedure, the general order, and any applicable calendar orders:

- (1) motions to dismiss or for judgment on the pleadings;
- (2) motions concerning discovery;
- (3) motions for summary judgment under SCR Civ. 56;
- (4) motions concerning the conduct of the trial (e.g., motions *in limine* to exclude or receive evidence);
- (5) motions to amend the pleadings;
- (6) motions filed pursuant to SCR Civ. 17-25;
- (7) motions to continue trial or any other hearing scheduled before the assigned judge;
- (8) motions relating to the entry and withdrawal of counsel;
- (9) motions for recusal of the assigned judge;
- (10) motions to consolidate or sever;
- (11) motions relating to any subject that are filed during trial or so close to trial that a hearing cannot be scheduled in the Landlord and Tenant Branch before the trial date;
- (12) post-trial motions concerning the conduct or outcome of the trial or an appeal of the judgment;
- (13) motions to vacate dismissals, defaults, or default judgments entered by the assigned judge;
- (14) motions to alter, amend, or for relief from, an order issued by the assigned judge; and
- (15) motions for enlargement of time to file any motion, opposition, or other paper that will be determined by the assigned judge in accordance with paragraphs (1)-(14) of this section.

(b) *Parties opposing motions.* Any party opposing a motion filed pursuant to section (a) may serve and file a statement of opposing points and authorities within 14 days after service of the motion upon the party as calculated by SCR Civ. 6 or such further time as the assigned judge may grant.

(c) *Oral Hearings.* Any party may request an oral hearing on a motion filed pursuant to section (a) by stating at the bottom of the party's motion or opposition, above the party's signature, "Oral Hearing Requested." If the assigned judge decides to hold a hearing on the motion, that judge will give to all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing. Regardless of whether the judge holds a hearing on the motion, the judge must decide the motion on the merits and may not grant a motion to which the opposing party has not consented until a statement of opposing points and authorities has been filed or the time period set forth in section (b) has expired.

(d) *Motions to be decided in the Landlord and Tenant Branch.* Except as provided in subsection (a)(11), the following motions will be heard and decided by the judge sitting in the Landlord and Tenant Branch pursuant to the rules of that Branch:

- (1) motions relating to a protective order;
- (2) motions for an administrative stay of the proceedings;

(3) motions for a temporary restraining order or preliminary injunction;  
(4) motions to enforce a settlement agreement or consent judgment, unless otherwise specified by the Court in the agreement; and

(5) post-trial motions not concerning the conduct or outcome of the trial or an appeal of the judgment.

(e) *Motions to alter, amend, or for relief from rulings or sanctions entered in the Landlord and Tenant Branch.* A motion to alter, amend, or for relief from a ruling or sanction entered by a judge sitting in the Landlord and Tenant Branch will be decided by that judge whenever practicable. Such a motion must include the judge's name in the caption below the case number. A party opposing the motion may file a statement of opposing points and authorities within 14 days after service of the motion as calculated by SCR Civ. 6 or such further time as the court may grant. A hearing on the motion will not automatically be set, but a hearing may be requested or held in accordance with SCR-LT 13(c)(4).

(f) *All other motions.* Except as provided in subsection (a)(11), all other motions will be heard and decided by the judge sitting in the Landlord and Tenant Branch pursuant to the rules of that Branch, except that the Presiding Judge of the Civil Division has the discretion to certify any other motion not listed in section (a) to the assigned judge.

#### COMMENT

A motion captioned as a "Motion for Reconsideration" is considered under sections (a)(14) and (e) 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).