

Rule 13. Motions

(a) *In general.* When a motion depends on facts not apparent in the record, the motion must be in writing and must contain a memorandum of points and authorities setting forth the facts on which the motion is based. The movant may support the motion with affidavits or other forms of sworn testimony, and the court may require the submission of such evidence.

(b) *Motions to be decided in the Landlord and Tenant Branch.* A motion to be decided in the Landlord and Tenant Branch must be served and filed as follows:

(1) *Obtaining a hearing date.* Before serving or filing the motion, the movant must contact the Landlord and Tenant Clerk in person or by telephone or electronic mail and obtain a hearing date that is not earlier than the earliest date permitted by section (b)(2). The movant then must include the following notice of the date, time, and location of the hearing on the original and each copy of the motion, immediately following the certificate of service: "THIS MOTION HAS BEEN SET FOR HEARING IN THE LANDLORD AND TENANT COURTROOM ON AT I have confirmed this date and time with the Clerk of the Landlord and Tenant Branch."

(2) *Time of hearing.* A motion for summary judgment filed in accordance with section (d) will be set for hearing not earlier than the 10th calendar day after the day of filing of the motion if served by hand or the 13th calendar day after the day of filing of the motion if served by mail. All other motions will be set for hearing not earlier than the 7th calendar day after the day of filing of the motion if served by hand or the 10th calendar day after the day of filing of the motion if served by mail.

(3) *Service and filing.* After receiving the assigned hearing date and completing the notice of hearing required by section (b)(1):

(A) *Movants represented by counsel.* A movant represented by counsel must serve the motion in accordance with SCR Civ. 5. Once service of the motion has been completed, the original motion with a completed certificate of service must be filed.

(B) *Movants not represented by counsel.* A movant not represented by counsel must choose one of the following methods to serve and file a motion:

(i) *Service by the Clerk.* The movant must file the original motion and a copy for each of the other parties. The Clerk will serve a copy of the motion on each of the other parties and will note the date and method of service on the docket.

(ii) *Service by the party by hand.* Before filing the motion, the movant must serve a copy of the motion, with a completed notice of hearing, on each of the other parties by hand-delivery. If another party is represented by counsel, then service must be on the other party's counsel; if another party is not represented by counsel, then service must be on the other party directly. Once service by hand-delivery on all other parties has been completed, the movant must file the original motion, including a completed certificate of service as to all other parties.

(4) *Parties opposing motions.* A party intending to oppose a motion must attend the hearing on the motion, either personally or through counsel. Such a party also may file a memorandum of opposing points and authorities before the time set for hearing, although the filing of a memorandum of opposing points and authorities does not excuse the party's attendance at the hearing on the motion.

(c) *Motions not to be automatically scheduled for hearings in the Landlord and Tenant Branch.*

(1) *Service and filing.* A motion to be heard by a judge in the Civil Actions Branch pursuant to SCR-LT 13-I must be served and filed in accordance with section (b)(3) but should not include a notice of hearing.

(2) *Motions to alter, amend, or for relief from a ruling or sanction.* A motion to alter, amend, or for relief from a ruling or sanction must be served and filed in accordance with section (b)(3) but should not include a notice of hearing. A motion to alter, amend, or for relief from a ruling or sanction entered by a judge in the Landlord and Tenant Branch 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) *Parties opposing motions.* A party opposing a motion not scheduled for a hearing before the judge sitting in the Landlord and Tenant Branch 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.

(4) *Oral hearings.* Any party may request an oral hearing on a motion filed pursuant to this section by stating at the bottom of the party's motion or opposition, above the party's signature, "Oral Hearing Requested". If the judge decides to hold a hearing on the motion, the judge must give 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 (c)(3) has expired.

(d) *Summary judgment.* Any party seeking to recover upon or defend against a claim or counterclaim may, at any time after the appearance date indicated in the summons, move with or without supporting affidavits for summary judgment on all or any part of the claim or counterclaim in accordance with SCR Civ. 12-I(k) and 56. Oppositions to motions for summary judgment must be presented as follows:

(1) *Motions to be decided in the Landlord and Tenant Branch.* A party intending to oppose a motion for summary judgment to be decided in the Landlord and Tenant Branch must attend the hearing scheduled pursuant to section (b)(2) and must set forth specific facts showing the existence of a genuine issue for trial by either (A) filing a written opposition in accordance with SCR Civ. 12-I(k) and 56; or (B) presenting live testimony or producing affidavits or other admissible evidence at the hearing. Except where it would prejudice a party's ability to oppose the motion on the merits, the court may require the filing of a written opposition in accordance with SCR Civ. 12-I(k) and 56 instead of the presentation of live testimony or other admissible evidence.

(2) *Motions to be decided in the Civil Actions Branch.* A party intending to oppose a motion for summary judgment to be decided by a judge in the Civil Actions Branch pursuant to SCR-LT 13-I must file a written opposition in accordance with SCR Civ. 12-I(k) and 56. Any party may request a hearing on such a motion by stating at the bottom of the party's motion or opposition, above the party's signature, "Oral Hearing Requested." If the judge decides to hold a hearing on the motion, the judge must give 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 (c)(3) has expired.

(e) *Assignment of motions by the Presiding Judge.* Any judge sitting in the Landlord and Tenant Branch may retain a particular motion for decision by notifying the parties and causing a notation to be made in the docket. In addition, the Presiding Judge of the Civil Division may assign any motion arising in the Landlord and Tenant Branch to a particular judge for decision by that judge.

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.*