

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
FAMILY DIVISION
DOMESTIC RELATIONS BRANCH**

CHARLES E. BANKS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2022 DRB 002908
	:	Judge Kelly Higashi
	:	Next Event: Default/ <i>Ex Parte</i> Hearing
BARBARA A. HAIRSTON-BANKS,	:	Date: November 3, 2023 at 12:00 PM
	:	
Defendant.	:	

ORDER CONTINUING SEPTEMBER 15, 2023 HEARING

This matter is set to come before the Court on September 15, 2023 for a default/*ex parte* proof hearing on Plaintiff Charles Banks' *Complaint for Annulment*, filed September 16, 2022.

Previously, on May 23, 2023, for good cause shown, the Court granted Plaintiff's oral motion to serve Defendant by Publication or Posting. The Court found that Plaintiff had demonstrated he had made a diligent but futile effort to locate the Defendant and that the cost of publication would impose a substantial financial hardship to Plaintiff. The Court therefore authorized service by posting and ordered the Clerk's office to post notice for a period of twenty-one (21) days in the Clerk's office and on the Court's website. The Court notes that the docket reflects that the Clerk's Office posted notice with the date and time of the July 10, 2023 status hearing from May 23, 2032 to June 15, 2023.

On July 10, 2023, the Court conducted a status hearing in this matter with Plaintiff present *pro se*. Defendant Barbara Hairston-Banks failed to appear at the July 10, 2023 status hearing or file a motion for a continuance of the hearing. Pursuant to the Rules governing Domestic Relations Proceedings, Rule 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the clerk or court must enter the party's default."

Accordingly, the Court entered a default against Defendant at the July 10, 2023 hearing for failing to appear and participate as required and set a default/*ex parte* proof hearing for September 15, 2023 at 2:00 PM.¹

On August 1, 2023, the Court issued a written *Order Entering Default and Setting Default/Ex Parte Proof Hearing*, memorializing its oral rulings at the July 10, 2023 status hearing. Additionally, given the Court's previous finding that Plaintiff made a diligent but futile effort to locate Defendant and that publication would pose a substantial financial hardship to Plaintiff, the Court authorized service of the August 1, 2023 Order by posting of the Order and a notice of the hearing for a period of twenty-one (21) days in the Clerk's Office and/or on the Court's website.

However, an error occurred in the Clerk's Office, and the notice was not posted. Therefore, the Court will continue the September 15, 2023 default/*ex parte* proof hearing to November 3, 2023 at 12:00 PM to allow adequate time both for posting and for Defendant to respond.

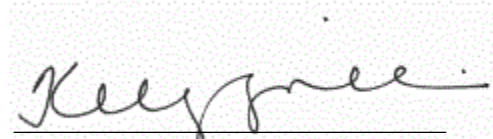
Accordingly, it is this **8th** day of **September, 2023**, hereby

ORDERED that the default/*ex parte* proof hearing set for September 15, 2023 is **CONTINUED** to November 3, 2023 at 12:00 PM in Courtroom 104. The hearing will be heard in person at the Moultrie Courthouse, 500 Indiana Avenue, N.W., Washington, DC 20001. Failure to appear at the hearing may result in the issuance of a default judgment, dismissal of the complaint, or sanctions; and it is further

ORDERED that this Order and the attached notice shall be posted in the Clerk's Office of

¹ If Defendant has a good reason for her failure to participate as required, she may ask the Court promptly, in writing and providing a copy to Plaintiff, to vacate (cancel) the default and permit her to participate in further proceedings in the case. Sup. Ct. Dom. Rel. R. 55(c). If Defendant has questions about how to make this request, she may contact the Family Court Self-Help Center located at Moultrie Courthouse, 500 Indiana Ave. NW, Room JM-570, Washington, D.C. 20001, telephone 202-879-0096.

the Family Court of the Superior Court of the District of Columbia and on the Superior Court's website for a period of twenty-one (21) calendar days in order to give Defendant notice of this Order and the date of the next hearing.



Kelly A. Higashi
Associate Judge

COPIES TO:

Charles E. Banks
4142 Bunker Hill Road #407
Brentwood, MD 20722
Via First-Class Mail
Counsel for Plaintiff

Barbara A. Hairston-Banks
HAIRSTONBARBARA1963@GMAIL.COM
Via Email²
Defendant

² The Court notes that this is the email address provided by Defendant in related case 2022 MAS 80486.

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CHARLES E. BANKS,

Plaintiff,

v.

BARBARA A. HAIRSTON-BANKS,

Defendant.

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Case No. 2022 DRB 002908
Judge Kelly Higashi
Next Event: Default/*Ex Parte* Hearing
Date: November 3, 2023 at 12:00 PM

NOTICE OF ANNULMENT PROCEEDING

BARBARA A. HAIRSTON-BANKS, YOU ARE HEREBY NOTIFIED THAT a complaint for annulment has been filed in the above-captioned matter. Default was entered against you for failure to appear and participate as required on July 10, 2023 pursuant to Rule 55(a).

IF YOU WANT TO VACATE (CANCEL) DEFAULT, you may ask the Court promptly, in writing and providing a copy to Plaintiff, to vacate (cancel) the default and permit you to participate in further proceedings in the case. Sup. Ct. Dom. Rel. R. 55(c). If you have questions about how to make this request, you may contact the Family Court Self-Help Center located at Moultrie Courthouse, 500 Indiana Ave. NW, Room JM-570, Washington, D.C. 20001, telephone 202-879-0096. Your objection should be emailed to FamilyCourtCIC@dcsc.gov, and directed to the Domestic Relations Branch Clerk, Family Court, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, DC 20001.

IF YOU DO NOT WANT TO CHALLENGE THIS COMPLAINT, you may consent to the relief sought prior to the status hearing scheduled for November 3, 2023 at 12:00 PM in Courtroom 104. For more information on how to file a Consent Answer, please contact the Family Court Self-Help Center by telephone number (202) 879-0096.

FAILURE TO RESPOND IN THIS MATTER MAY RESULT IN THE ENTRANCE OF AN ORDER OF ANNULMENT WITHOUT YOUR PARTICIPATION.