

1983

An Attorney's Guide to Courthouse Practice and Procedure: Civil Division District of Columbia Superior Court 1983

Anthony R. Pileggi

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**An attorney's guide to
COURTHOUSE PRACTICE AND
PROCEDURE:
CIVIL DIVISION
DISTRICT OF COLUMBIA SUPERIOR COURT
1983**

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In collaboration with the
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A publication of the Catholic University Law Review

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PREFACE

Last year, 16,083 cases were filed in the Civil Actions Branch of the Civil Division of the District of Columbia Superior Court.¹ The magnitude of the caseload is such that counsel's procedural errors, however minor, can cause substantial delays in litigation. This guide attempts to minimize these delays by fostering an understanding of courthouse practice and procedure. To accomplish this goal, it presents the following types of information:

- Courthouse rules of filing (to date, unpublished procedures followed by the Civil Division);
- Selected Superior Court Rules of Civil Procedure;
- Common procedural errors committed by attorneys;
- A general directory to the Civil Division (*e.g.*, clerks' names, office locations, telephone numbers, etc.).

This guide is not intended to replace the Superior Court Rules of Civil Procedure. Instead, it has been designed to supplement the Rules, setting forth the internal courthouse practices and procedures that tie the Rules to everyday practice. The guide focuses on procedures prescribed by the Civil Actions Branch, the Assignment Office and Motions Branch of the Civil Division.² Further, all information pertains to "Civil II"³ actions unless otherwise indicated.

I. COMMENCING A CIVIL ACTION⁴A. *Where to File*1. *Complaints*

A civil action is commenced when a complaint and related documents are filed⁵ in the Civil Action Clerk's Office,

1. *NEW CIVIL ACTION FILINGS*

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
Civil Actions Branch	16,544	17,705	18,667	16,083

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA ANN. REP. 1978 at 46.

2. *See* Appendix E *infra*.

3. There are two categories of civil actions, Civil I and Civil II. Civil I actions consist of complex and protracted litigation, such as medical and legal malpractice actions. Civil II actions include all other civil litigation that involve relatively short amounts of time for disposition. *See* Appendix B *infra*.

4. Civil II actions compromise the bulk of civil litigation in the District of Columbia. *See generally* Appendix B *infra*.

5. A complaint is "filed" when it is accepted by a clerk and file-stamped. Complaints

Room 220, John Marshall Level (JM-220), in the District of Columbia Courthouse.⁶ *See* SCR-Civ. 3.

2. *Other papers should be filed as follows:*⁷
 - a. Answers, motions, and all papers and pleadings except those listed in section 2.b. *infra* should be filed at the New Case and General Filing windows in Room 220, John Marshall Level (JM-220).
 - b. The following papers should be filed with the Interview and Judgment Office, also in JM-220:
 - 1) Requests for defaults. *See generally* SCR-Civ. 55(a).
 - 2) Requests for default judgments. *See generally* SCR-Civ. 55(b)(1).
 - 3) Affidavits for judgments. *See generally* SCR-Civ. 55-II.
 - 4) Oppositions to affidavits for judgments. *See generally* SCR-Civ. 55-II.
 - 5) Application for entry of judgment. *See generally* SCR-Civ. 62-II and Form 110A.
 - 6) Oppositions to applications for judgment. *See generally* SCR-Civ. 62-II.
 - 7) Applications for termination of stay. *See generally* SCR-Civ. 62-II and Form 110B.
 - 8) Oppositions to applications for termination. *See generally* SCR-Civ. 62-II.
 - 9) Requests for judgment of condemnation on writs of attachment. *See generally* SCR-Civ. 69-I(e).
 - 10) Consent judgments. *See generally* SCR-Civ. 68-I.
 - 11) Offers of judgment. *See generally* SCR-Civ. 68.
 - 12) Acceptances of offers of judgment. *See generally* SCR-Civ. 68.
 - 13) Requests for warning notices of dismissal pursuant to SCR-Civ. 41-I.
 - 14) Certificate of witnesses and bill of costs.

and related materials may be hand-delivered or mailed. Mailed complaint materials should include a self-addressed, stamped envelope to prevent delays in the event the complaint materials contain errors or omissions. The Clerk's Office discourages filing by mail, especially of new cases and papers requiring a fee, because there is a high potential for delay.

6. Unless otherwise specified, all references to room numbers are to offices in the District of Columbia Courthouse, 500 Indiana Avenue, N.W., Washington, D.C. 20001.

7. Absent extraordinary circumstances, the papers and pleadings listed in Section 1. A. 2 will not be accepted in the judge's chambers for filing. *See generally* SCR-Civ. 5(e).

- 15) Requests for dismissals or defaults when a judge's order delegates authority to the clerk to dismiss or enter default judgments for noncompliance with the original order.
 - 16) Vacating defaults and default judgments under SCR-Civ. 55-III.
- c. The following papers should be filed with the Assignment Office, Room 1120, Main Floor:
- 1) Praecipis entering or withdrawing appearances.
 - 2) Praecipis of settlements.
 - 3) Praecipis of dismissal.
 - 4) Requests for pretrial hearings and pretrial statements.

NOTE: Attorneys should place the trial date and the calendar number of a case on documents listed in section c above. The calendar number is different from the civil action number and is assigned when the case is placed on the trial calendar. It appears on the trial notice card.⁸ The calendar number should be used whenever dealing with the Assignment Office.

B. Contents of the Complaint and Related Documents

When commencing a civil action, every complaint must be accompanied by a summons, information sheet, and a U.S. Marshal's form (if service is by the marshal).⁹ A clerk will review all complaint materials for completeness and accuracy in format, specifically:

1. *Complaint*

- a. Number required: One original complaint for the court and one copy for each named defendant.
- b. Proper citation of subject matter and personal jurisdiction.

8. The civil action number is located in the upper right corner of the complaint and all other papers. It is a filing number assigned sequentially by the Civil Actions Office upon receipt of a complaint. The calendar number, located beneath the civil action number, is assigned by the Assignment Office, and should be written by counsel on all papers filed with the Office.

9. See section I.D. *infra*, for a discussion of available methods of service.

Mailed complaints must include payment for filing fees. See Appendix C *infra* for a list of the Superior Court's recently revised schedule of filing fees. The Clerk's Office will accept cash or checks signed by members of the bar in payment of the filing fees.

See SCR-Civ. 8(a) (*e.g.*, D.C. CODE ANN. § 11-921 (1973 & Supp. 1978) (general jurisdiction); D.C. CODE ANN. § 13-423 (1973 & Supp. 1978) (long-arm jurisdiction)).

- c. Amount in controversy: The amount must exceed \$750,000.
 - d. Proper attorney identification:
 - 1) Unified bar number.
 - 2) Attorney's signature.
 - 3) Attorney's address. (Attorneys should notify clerk's office immediately in the event of a change of address.)
2. *Summons*
- a. Number required: The complaint materials must include one summons for each named defendant and one original to be filed with the court.
 - b. Sealing and dating: The clerk will seal and date the summons(es). The attorney should be certain that all summonses, originals and copies, are sealed and dated. A summons without both a seal and a date is invalid.
 - c. Listing defendants: The complainant may list as many defendants as desired, but must do so on each summons. S/he must also enter the name and address of the specific defendant upon whom the particular summons will be served.
3. *Information Sheet*
- a. Number of copies: One original for the court.
 - b. Purpose: The information sheet is a standardized form that lists the various available causes of action. The form is used by the court for statistical purposes.

CHECKLIST: COMMENCING AN ACTION

1. Complaint—One original for the court and a copy for each named defendant.
 2. Summons—One original for the court and one copy for each named defendant.
 3. Information Sheet
 4. Where appropriate:
 - Marshal's form. *See* Contents of the Complaint and Related Documents, section I.B. *infra*.
- If all the documents are in proper order, the clerk will as-

sign a civil action number to the case and place the documents in the case file "jacket." All papers and pleadings are photographed for the microfilm filing system.¹⁰

C. *Requests for a Jury Trial*

1. *Mode of Request*

If a jury trial is desired, the attorney must specifically request it in the complaint and in the information sheet. An additional fee is also required. *See* SCR-Civ. 38(b).

2. *Number of Jurors*

Six jurors will be assigned to cases in which attorneys request a jury trial but do not specify a number of jurors. SCR-Civ. 38-I. The attorney must make a specific request if twelve jurors are desired. *See id.*

3. *Payment of Jury Fees*—SCR-Civ. 38(b) & (d) (Effective September 1, 1979)

The jury fee must be paid at the same time the jury demand is made. Failure to pay the jury fee contemporaneously with the jury demand constitutes a waiver of trial by jury.

D. *Service*

1. *Methods of Service*—Once the complaint materials are found to be in proper order, the attorney requests one of the following methods of service:

- a. Special Process Server;
- b. Certified or registered mail (SCR-Civ. 4(c)(3));
- c. Foreign service (pursuant to a long-arm statute); *e.g.*, by a sheriff or other officer designated to serve in various other jurisdictions.

NOTE: Statutory requirements for the manner of service are found in SCR-Civ. 4:

- 1) *Personal service* (SCR-Civ. 4(c)(2)). This type of service may be accomplished by a U.S. Marshal, a special process server, or by mail. If counsel desires service by a U.S. Marshal, the price is \$1.00 per defendant. After the service is attempted, the marshal will send the attorney a notice indicating that service was or was not successfully made. If

10. Attorneys may review a case file jacket by either requesting the jacket itself or a microfiche copy of the jacket and its contents. The latter method may be particularly useful when the original materials are unavailable in the Civil Actions Office because they are in transit to another office or are being processed by another office.

mail service is made, proof of service (a signed receipt, affidavit, or other proof satisfactory to the court) must be filed in JM-220). *See* SCR-Civ. 5-I.

- 2) *Publication* (SCR-Civ. 4-I and D.C. CODE ANN. §§ 13-335, -336, -338, -341 (1973 & Supp. 1978)). This substituted type of service is required only in certain cases.

2. *Waiver of Service*—SCR-Civ. 12(h).

A defendant may waive service of process and voluntarily accept the jurisdiction of the court by signing a written statement to that effect or by filing an answer that fails to assert the defense of lack of service.

3. *Approval of Service*—SCR-Civ. 4.

When a question or dispute about service arises, the Judgment Clerk will send the case file to the Calendar Control Judge for a ruling. The judge will either approve or deny the service.

- E. *'Docketing*—*See generally* SCR-Civ. 79.

Locating a case file jacket

A case jacket is located by its civil action number.¹¹ If only the name of a party is known, the attorney may find the case jacket by referring to the "Plaintiff/Defendant Index" on the counter in JM-220.¹² Microfiche copies of the case files are kept separately from the jacket. An attorney may review the file in microfiche form if the jacket is unavailable.

II. MOTIONS

A. *How to File a Motion*

1. *Motions Card*—Although it is not required by a Superior Court Rule, the attorney or movant must complete a motions card, which can be found on the counter in JM-220, and attach it to the lower left corner of the motion. The Motions Office uses the card for its internal records. Attorneys may obtain a limited number of cards for future use from the Motions Office.

11. *See* note 8 *supra*.

12. A case does not appear in either the daily index or the monthly index until approximately two or three days after it is filed. The jacket will not be placed in the central file until approximately one week after the filing date. Additionally, because jackets are sent to the appropriate judge several days before a scheduled hearing, they are not always available in JM-220. Despite these delays, an attorney may review the jacket any time after filing.

NOTE: Oppositions to motions do not require a motions card.

2. *Where to File*—The motion is filed at the designated window in JM-220 daily from 9:00-3:30 where it will be screened and, if in proper order, deemed filed as of that day. Motions may be sent by mail to the following address:

Civil Motions Commissioner's Office
Room JM-436
District of Columbia Superior Court
500 Indiana Avenue, N.W.
Washington, D.C. 20001.

B. *Form of Motions, Points and Authorities, Certificates of Service and Orders*

1. *Motions*—All motions must contain the name of both the court and the division (Civil) at the top of the page. All parties should be designated at the left margin, with the correct civil action number in the right margin. If a motion is filed in a case specially assigned to a judge, or is a post-trial motion, the judge's name should be placed below the civil action number.
The motion should be a short statement of the relief sought. It must be signed by the attorney and also include his/her address, telephone number and unified bar number. *See* SCR-Civ. 10-I(a).
2. *Points and Authorities*—The text of the points and authorities must be set off from the rest of the motion by a separate caption, although the text may be on the same page as the rest of the motion. The points and authorities may not be inserted in the body of the motion. *See* SCR-Civ. 12-I(e).
3. *Certificate of Service*—This form must indicate whether service was by first class mail or by hand; the date service was made; the name of the person served; and the address at which service was made. The certificate must be signed by the moving attorney.
4. *Order*—An order must be included with every motion. *See* SCR-Civ. 12-I(e). If an attorney desires alternative relief, s/he should include two separate orders. The order must be on a separate sheet of paper with the court and division name, case caption, and case civil action number.

- a. The following information should appear in the first part of the order:
 - 1) the identity of the movant (if there are multiple defendants or plaintiffs and only one is moving, the motion should so indicate);
 - 2) the title of the motion;
 - 3) an indication that no opposition has been filed (the appropriate phrasing is "and plaintiff's/defendant's lack of opposition");
 - 4) a date, *e.g.*, "The Court, therefore, this __ day of _____, 1983," or "It is, this __ day of _____, 1983."
- b. The "ORDERS" or "ORDERED" portion of the order should:
 - 1) state the specific relief or action sought (*e.g.*, if adding a party, state that John Doe is added as a party; if asking for judgment for a liquidated amount, state the specific amount with interest at a specified percentage rate from a certain date, and costs;¹³ if asking that interrogatories be answered, leave a date blank in the order by which the answers are to be filed and served).
 - 2) The signature blank for the judge should be placed immediately below the body of the order, at the right margin.
 - 3) Opposite the signature blank, at the left margin, there should be the words "copies to" and a list of names and addresses to whom copies of the order should be sent.

C. *Screening*

1. *When Screened*—After a motion is filed in the Clerk's Office in JM-220, it is picked up on a daily basis for screening in the Motions Office.
2. *Standards for Screening*—The Civil Motions Commissioner screens the motions materials for completeness and formal accuracy. A motion will be deemed defective for the following reasons:

13. See Post Trial Procedures, section VI *infra*, for information on computing damages and interest.

- a. The motion, points and authorities and/or certificate of service is/are not signed.
- b. The date is missing from the certificate of service. If this occurs, the attorney should not insert the missing date and refile it, but rather must execute a new certificate of service and serve it on opposing counsel.
- c. The proposed order is missing. *See* SCR-Civ. 12-I(e).
- d. The motion does not include and/or separately caption the points and authorities. *See* SCR-Civ. 12-I(e).
- e. The statement of material facts has been omitted in a motion for summary judgment. *See* SCR-Civ. 12-I(k).
- f. A proposed pleading accompanying a motion to intervene is missing. *See* SCR-Civ. 24(c).

D. *Disposition of a Properly Made Motion*

If the motion is in proper order, a clerk will enter on office file cards the date of filing, the title of the motion, and the date on which the opposition is due. The date the opposition is due is also entered on the motions card filled out by the attorney at the beginning of the file process. The motion is placed in the jacket after the time for filing an opposition has passed. It is then transferred to the microfilming section for photographing on a priority basis.¹⁴

E. *Rejected and Returned Motions*

1. *Criteria for Rejection*—Motions are rejected if they fail to meet the standards set out in section II.C.2 *supra*, and in SCR-Civ. 12-I(e) and (k).
2. *Rejection Procedure*—A clerk will stamp the motion “rejected and returned” with the date of the rejection, attach a slip indicating the reason for the rejection and send them to the moving party. A copy of the rejected motion and the explanation will also be sent to the nonmoving party.
3. *Refiling after a Motion Is Rejected*—Counsel must execute a new certificate of service when refiling after a motion is rejected and must file a new motion, points and authorities, certificate of service and order with the court.

F. *Unopposed Motions and Oppositions*

1. *Unopposed Motions*—If an opposition to a motion has not been filed, the Motions Commissioner reviews the motion for factual and legal accuracy. If necessary, minor changes

14. *See generally* Trial Schedule/Calendar, section III. A. *infra*.

will be made in the order, but not in the motion. The order, with its jacket, is then presented to the Civil Calendar Control Judge for his/her signature. Once it is signed, the Motions Office will send copies of the signed order to the parties.

2. *Oppositions*—If an opposition is filed before the due date, it is placed in the case jacket and reviewed by the Motions Commissioner. It is then set for a hearing, or decided by the Calendar Control Judge without a hearing if there is no material question of law or fact.

At the end of a motions hearing, the judge may:

- a. sign the order in the jacket if it is in proper form;
- b. direct prevailing counsel to prepare an order form, which is available from the Courtroom Clerk;
- c. direct prevailing counsel to prepare an order for the judge's signature, to be submitted within five days of the hearing, SCR-Civ. 12-I(e); or
- d. take the motion under advisement.

When it is determined that the motion will be decided without a hearing, the Motions Commissioner will review the motion to be certain the relief requested is both legally and factually accurate. If necessary, s/he will either correct the order submitted by the attorney or draft a new one. The perfected orders are sent to the judge for signature. The orders are returned to JM-436.

3. *Computation of Filing Due for Opposition*

Oppositions to motions must be *filed* with the Clerk's Office (file-stamped by the clerk), *not served*, during the time prescribed by SCR-Civ. 12-I(e).

Time is computed from the date on the certificate of service by counting the day after the date on the certificate of service as the first day and then counting ten (10) consecutive days, including weekends and holidays. *See* SCR-Civ. 6(a). An additional three (3) consecutive days must be added if service is by mail. *See* SCR-Civ. 6(e). The opposition must be filed by the close of the next full business day if the time expires on a weekend or a holiday.

EXAMPLE: If a motion is served on February 6, 1983, the opposition must be file-stamped in the Motions Office on or before February 16, 1983. If the motion is served by mail, the

opposition is due in the Motions Office on or before February 20, 1983 (February 19th is the holiday for George Washington's Birthday).

G. *Extension of Time to Respond to a Motion*

1. *Extension by Praecipe*—Counsel may file a praecipe rather than a motion when an extension of time is needed to respond to a motion, if the extension:
 - a. is the first extension;
 - b. is for not more than thirty days;
 - c. is consented to by the other party; and
 - d. is filed within the first ten or thirteen days for filing the opposition.
2. *Extension by Motion*—A motion must be filed if any of the above conditions are not met. See SCR-Civ. 77-II(a)(1).

H. *Motions Taken Under Advisement and Motions for Reconsideration*

1. *Motions Taken Under Advisement*—Upon request, the Motions Court Clerk will notify the Motions Commissioner that a motion is under advisement when a Calendar Control Judge does not rule on the motion from the bench. If the Calendar Control Judge fails to issue a decision in thirty days, the Motions Commissioner will send her/him a notice of the date the motion was taken under advisement. If thirty additional days elapse without a decision, the Motions Commissioner notifies the Chief Judge as well as the Calendar Control Judge.
2. *Motions for Reconsideration*—A motion for reconsideration of a decision on a motion is filed with the Civil Motions Commissioner. S/he will screen the motion for proper form and compute the date for opposition. If the matter is within the specific expertise of the judge who heard the matter in Motions Court or it is a motion to compel costs, the Civil Motions Commissioner will send the case back to the judge for reconsideration. Otherwise the motion for reconsideration will be sent to the Civil Calendar Control Judge. The Commissioner will also transmit any opposition to the reconsideration motion.

I. *Motions Calendar (See SCR-Civ. 12-I(m).)*

Sixteen motions are set on the calendar per day: eight in the morning and eight in the afternoon. The Assignment Office

sends notices of the hearing date to the attorneys. The calendar is prepared three or four days prior to the motions date. According to the preference of the Motions Judge, the Assignment Office Clerk will pull the jackets for the motions calendar two or three days ahead of the hearing date and send them to the judge.¹⁵

J. *Specific Motions*

1. *Motions to consolidate* should include the case captions and case numbers on the motion and the proposed order.
2. *Motions for a temporary restraining order* are usually filed with the complaint. The following procedures should be followed:
 - a. If possible, the Judge-in-Chambers should be given twenty-four hour notice before the hearing on the motion for the temporary restraining order.
 - b. If possible, attorneys should give actual notice to the attorneys for the parties against whom the temporary restraining order might be issued. *See* SCR-Civ. 65(b).
 - c. The case and motions must be filed in JM-220.
 - d. The attorney should hand-carry the jacket containing the complaint and motions to the Judge-in-Chambers who will either grant or deny the temporary restraining order, and set a date and time for the hearing on the preliminary injunction within ten days from issuance or denial of the temporary restraining order.
NOTE: The Clerk's Office requests all attorneys to file temporary restraining orders before 4:00 p.m. in order to assure prompt processing.
 - e. Any of the parties not present for the temporary restraining order hearing(s) must be notified of any ensuing preliminary injunction hearing, either by service of the complaint and the order from the temporary restraining order/preliminary injunction hearings, or by some other form of notice from the moving party.
3. *Motions for a preliminary injunction*—
 - a. The motion for preliminary injunction and supporting pleadings should be filed in JM-220. The attorney must

15. The precise number of motions set on the calendar is determined by the number of motions pending.

include an order blank for the Calendar Control Judge to set a time and date for a hearing.

- b. When the Motions Office receives the motion for preliminary injunction, the jacket will be pulled and sent to the Assignment Office. The Assignment Office will then schedule the motion for a hearing on the Motions Calendar. If the opposing party has not been served or has not received notice of the hearing, it must be re-scheduled by moving counsel.
4. *Motions for substitution*—of the administrator/administratrix or executor/executrix of a deceased party's estate must be served upon the proper personal representative with a copy of the points and authorities and proposed motion. *See* SCR-Civ. 4 and SCR-Civ. 25(a).

III. TRIAL SCHEDULE/CALENDAR

A. Overview

The Civil Assignments Commissioner is responsible for maintaining the trial calendar by placing cases on the trial calendar when "issue is joined" (*e.g.*, when all appropriate responsive pleadings have been filed and no settlement or dismissal has occurred). Discovery needs are not a consideration when determining the readiness of a case for trial because all notices of trial dates are mailed months in advance of the trial date, enabling counsel to complete discovery in most cases. The average time between reaching issue and trial is fourteen months for jury trials and nonjury trials over \$10,000, and six months for non-jury trials under \$10,000.

The Assignment Office notifies the parties of the trial date by postcard. A calendar number—which is different than the civil action number—will appear on the notice and should always be referred to when dealing with the Assignment Office. *See* section I.A.2.c.4 and note 8 *supra*. The time period for obtaining a continuance by consent of the parties also appears on the notice postcard.

On the trial date, counsel should appear at the designated time in the Assignment Office (Room 1120) with their clients and witnesses. Cases will be called according to the following priorities:

1. *Hearings on preliminary injunctions* certified to a Trial Calendar Judge by the Civil Calendar Control Judge as too

lengthy to be heard on the civil motions calendar. *See* SCR-Civ. 65(b).

2. *All cases not reached* on the last trial date because judges were unavailable.

3. *Cases designated as priority cases* by a judge for any reason other than unavailability of judges. For example, the Civil Calendar Control Judge may have designated a case as a priority due to the advanced age of one of the parties.

4. *Cases for which there are witnesses from outside the District of Columbia*. Priority within this category is given to the cases for which witnesses have traveled the greatest distance. Attorneys should inform the Assignments Office before the trial date that they have out-of-town witnesses.

5. *Real property cases*.

6. *Cases that have been at issue for two years or longer*, with those cases at issue the longest receiving priority within this category.

7. *Civil actions at issue less than two years*, based on their relative age.

B. *Trial Date Check-in Procedure*

1. *Time*—All counsel with morning cases must check in with the Assignment Commissioner or deputy and be prepared to go forward to trial by 9:30 a.m. SCR-Civ. 104 will control in the event counsel has any conflict between his/her engagement at the trial and other court appearances.

2. *On-call status*—After checking in for the trial, the Assignment Commissioner may put counsel on one-half hour call, so that s/he may depart to any place where s/he may be reached by telephone.

C. *Time of Proceedings*

1. *Morning session*—The trial day begins at 9:30 a.m., with the Calendar Control Judge hearing preliminary matters. The call of the morning motions calendar commences at 10:00 a.m. Any additional preliminary matters will be entertained after the morning motions calendar has been completed or at 11:00 a.m., whichever is earlier.

2. *Afternoon session*—The Calendar Control Judge will take the bench again at 1:30 p.m. to hear preliminary matters. The call of the afternoon motions calendar commences at 1:45 p.m. Any additional preliminary matters will be

heard after the afternoon motions calendar has been completed.

3. *Special Hearings*

- a. *Ex parte* proof hearings are held mornings and afternoons everyday except Thursday afternoon and are scheduled by the Assignment Office Motions Clerk. This type of hearing is held when a default has been obtained, but the amount of damages or requested injunctive relief needs to be proved. The prevailing party is entitled to a jury determination of damages if a jury demand was made.
- b. Also held on Thursdays and scheduled by the Assignment Office Motion Clerk are oral examinations to determine whether the judgment debtor has assets and where the assets are located.¹⁶ The preliminary call is 10:00 a.m.; there is usually no afternoon call.

D. *Pretrial/Settlement Hearings*

1. *Availability*—Pretrial hearings are mandatory in all civil jury and non-jury cases where the claim was greater than \$10,000. If the claim in the non-jury case is less than \$10,000, pretrials are discretionary and, if desired, must be specifically requested by either the plaintiff or defendant. Requests may be made by filing a praecipe in the Assignment Office within ninety days prior to the trial date (see SCR-Civ. 16-I),¹⁷ and will be granted if the Calender Control Judge does not deem the request inappropriate.
2. *Timing*—A Pretrial Clerk in the Assignment Office prepares and maintains a daily pretrial calendar and notifies counsel of pretrial hearings. The pretrial date is usually set approximately one-hundred and eighty days prior to the trial date. Fourteen to sixteen pretrial conferences are scheduled each day at forty-five minute intervals. In

16. The Assignment Office Motions Clerk should not be confused with the Motions Clerk from the Civil Motions Commissioner's Office. The primary responsibility of the Assignment Office Motions Clerk is to schedule hearings in matters referred by the Motions Commissioner. In addition, s/he prepares and maintains a daily motions calendar and notifies counsel of all motions hearings. Inquiries pertaining to scheduling or rescheduling of motions hearings should be referred to the Assignment Office Motions Clerk. Inquiries concerning motions filings, rule interpretations and other matters related to the filing of motions should be directed to the Civil Motions Commissioner's Office.

17. SCR-Civ. 16-I was revised in December, 1978. Among other things, the time deadline for filing a pretrial request was changed from 45 days to 90 days prior to trial.

all pretrials, the parties must file with the Assignment Office a pretrial statement following the form prescribed by SCR-Civ. Form 103. The statement must be filed at least five days prior to the scheduled pretrial. *See* SCR-Civ. 16-I(a). The Pretrial Clerk will usually send the case files to the judge one or two days before the pretrial date. The order should include the items listed in SCR-Civ. 16.

E. *Continuances of Trials and Pretrials*

SCR-Civ. 16-1 permits the continuance of a pretrial hearing only after appearance before the Calendar Control Judge. Trial dates also can only be continued with leave of the court, (SCR-Civ. 40-I(e)), unless the Assignment Office is notified of an actual conflict within ten days of receipt of notice of a trial date and all parties consent to the continuance.

NOTE: Before appearing before a Calendar Control Judge to request a continuance, attorneys in both jury and nonjury cases should contact the Assignment Office to obtain information about the available trial dates.

F. *Tardiness and Absenteeism*

1. *What to do*—Attorneys who will be absent for any reason from a scheduled trial or other proceeding must, at the first available opportunity, contact the Assignment Office.
2. *Effect of Unexcused Tardiness/Absenteeism*—Failure to contact the appropriate court official in a timely fashion may result in prejudice to an action. When counsel is late or absent, a judge has broad discretion to continue the trial to a later time, enter a default judgment, or grant a dismissal with or without prejudice, whether a trial is convening for the first time or it is on-going. Specifically:
 - a. When both the attorney and party fail to appear or the attorney appears but the party does not, the judge will generally grant the appropriate judgment without leave to continue.
 - b. When the party appears but the attorney fails to appear, the party may go before the judge and explain the circumstances in order to prevent a disposition with prejudice. The judge generally will not enter a default or grant a dismissal, but may sanction the attorney for the unexcused absence.

G. *Settlement Conferences* (This procedure is to be distinguished

from the pretrial/settlement conference prescribed by SCR-Civ. 16-I. *See* section III.D. *supra*.)

GENERAL INFORMATION

The most common question received by the Assignment Office concerns the status of cases scheduled for trial on future dates. It is not possible for the clerks to provide a satisfactory answer to this question because cases are not placed in the trial order until the actual day of trial.

VI. PRELIMINARY MATTERS

A. *Types of matters*—the following preliminary matters are not scheduled on the calendar but nevertheless require the attention of a judge:

1. *Continuances of trial dates*—SCR-Civ. 40-I(e).
Before going to the Motions Court, an attorney should obtain a request form for a continuance from the Assignment Office. The Assignment Office will initial the continuance form, confirming that the date for continuance is available. The judge will sign the request form “approved” with his/her name and date if the request is approved. The courtroom clerk will return the jacket to the Assignment Office.
2. *Attachments before judgment*—*See* SCR-Civ. 64-I; D.C. CODE ANN. § 16-501 (1973 & Supp. 1978).
3. *Writs of replevin*—*See* SCR-Civ. 64-II; D.C. CODE ANN. § 16-3701 (1973 & Supp. 1978).
4. *Setting dates for preliminary injunctions*¹⁸—*See* SCR-Civ. 65. For additional procedural information, attorneys may call the Assignment Office at 727-1750.
5. *Certification of motions to a trial judge*—The Calendar Control Judge will “certify” (send) to a trial judge any motion that is expected to take longer than 30 minutes per side unless no trial judge is available.
6. *Dismissals or defaults for failure to appear for trial*—SCR-Civ. 41(b), (c). The party who is present and ready for trial may appear before the Calendar Control Judge to request a default or dismissal judgment when the time for trial has passed and the other side has not appeared. *See* section III.F., “Tardiness and Absenteeism,” *supra*.
7. *Other motions*—Matters that are not handled by the Judge-

18. *See* sections II.J.2 (Motions for a Temporary Restraining Order) and II.J.3 (Motions for a Preliminary Injunction) *supra*.

in-Chambers pursuant to SCR-Civ. 12-I(a), or matters with which attorneys disagree, such as procedures followed by the clerk's office.

B. *Procedure*

Preliminary matters are heard in courtroom #9 at 9:30 a.m. and 1:30 p.m. An attorney who has a preliminary matter should hand-carry the case jacket to the bailiff in Motions Court. The bailiff will give the jacket to the Courtroom Clerk so the matter can be called between the regularly scheduled motions, or before or after the morning or afternoon calendars, depending on the judge's preference.

V. DISCOVERY—*See generally* SCR-Civ. 26.

A. *Overview*

Discovery is a matter generally handled by the attorneys themselves without the involvement of the court. The exception to this rule applies when a party resists discovery. In that case, counsel may file in JM-220 a motion for an order compelling discovery. *See* SCR-Civ. 37(a)(2).¹⁹ When the recalcitrant deponent is not a party, the attorney makes the motion to the court in the district where the deposition is to be taken. SCR-Civ. 37(a)(1). Sanctions for failure to comply with a court order compelling discovery are severe. *See* SCR-Civ. 37(b)(2)(A)—(E).

B. *Deposing Witnesses Within and Without the District of Columbia*—SCR-Civ. 28-I.

Parties to a civil action in the D.C. Superior Court may secure the deposition of a witness outside the District by filing in JM-220 a motion for the appointment of an examiner to take the deposition, stating the name and address of the witness and the reason(s) why the witness' testimony is required at trial. *See* SCR-Civ. 28-I(a). The moving party should also designate in its motion the identity of the examiner. Commission forms are available in JM-436 and should accompany the motion.

Parties may effect the deposition of a District of Columbia resident for a case pending outside the District by filing in JM-220 a certified copy of a commission or notice of intention to take the testimony of a witness found within the District of Columbia. If the commission/notice is in order, the Clerk

19. *See* Motions, section II *supra*, for the filing procedures.

shall, upon approval of the Judge-in-Chambers, issue a subpoena. *See* SCR-Civ. 28-I(b).

- VI. TRIAL—The trial phase of civil litigation is not within the scope of this pamphlet. For information about trial technique, advocacy, etc., refer to general reference works on the particular subject.
- VII. POST-TRIAL PROCEDURES

A. *Overview of Judgment Orders*

1. *Judgment orders*—are signed by the judge in Motions Court or prepared by the clerk after a trial where appropriate. These orders will contain the following:
 - a. *Amount awarded*
 - 1) Interest prior to judgment, if any is to be awarded;
 - 2) Interest at 11% per annum from the date of judgment;²⁰
 - 3) Costs of the suit (*see* SCR-Civ. 54(d));
 - 4) Amount of attorney's fees, if any are to be awarded.

- or -

- b. *Dismissal of claim*
 - 1) Costs of suit;
 - 2) Attorney's fees, if awarded.
2. *Decisions from the bench and cases under advisement*
 - a. An order reflecting a decision made from the bench will indicate that it is the judgment document and that judgment is entered on that date. If entry of judgment is conditioned on a subsequent action, the order will indicate who should make the entry (clerk or court) and when it is effective.
 - b. *Advisement*—If a case is taken under advisement, the Assignment Commissioner will record the advisement and the date and notify the parties.

The Assignment Office will upon request also remind the judge of the case's status if the judge does not render a decision within thirty days from the date the case was taken under advisement. *See* SCR-Civ. 12-I(m). After another thirty days has passed without a decision, the judge will receive another letter from the Assignment Commissioner, with a carbon copy going to the Chief Judge. *See* SCR-Civ. 12-I(m).

20. The interest rate varies depending upon the Treasury Department statistics.

Post trial motions are filed with the Motions Commissioner who sends them to the trial judge. If such motions are not decided within thirty days from the date the opposition was filed, the Motions Commissioner sends the judge a 12-I(m) notice. If thirty additional days pass without a decision, another notice is sent to the judge with a carbon copy to the Chief Judge.

3. *Exhibits*—Any exhibits retained by the court that will not fit in the court jackets are stored in the Civil Courtroom Support Office, JM-440.
 - a. Exhibits are retained for the thirty-day appeal period and then for an additional thirty days to provide for an extension of time to appeal.
 - b. After the sixty-day period has expired, notices are mailed to counsel to pick up their exhibits.
 - c. Case file jackets are maintained for fifteen years and then destroyed. They may be retrieved at the end of that time by making a specific request to the Federal Records Center.
 4. *Costs*—Costs are allowed the prevailing party unless the judgment order otherwise provides. The jacket, along with the bill of costs, is sent to the judge to approve or disapprove the extraordinary expenses. When the costs are approved or disapproved, the jacket will be returned to the Judgment Officer in JM-220.
- B. *Obtaining a Judgment Order*
1. *How to obtain a default or default judgment*—See SCR-Civ. 55(a) & 55(b)(1). Attorneys obtain a default orally, by praecipe or by other written request by submitting the request with the case file jacket to a clerk in the Judgment Office, JM-220. Attorneys should not submit proposed orders.
 - a. *Default*—SCR-Civ. 55(a). (*E.g.*, when a party fails to appear and judgment is rendered on the merits.) The clerk will make the following entry on the file jacket:
Default of defendant(s) entered—date;
To be set for *ex parte* proof—date;
Thomas A. Duckenfield, Clerk vs. John Doe.
No order is prepared, but a post card notice is sent to the defendant(s), notifying them of the entry of default.
 - b. *Default on Publication*—SCR-Civ. 55(a). (*E.g.*, when

counsel does not know the address of the party who failed to appear.) To obtain default on publication, the attorney should submit:

- 1) Affidavit in support of default on publication (this form is available in the Judgment Office);
- 2) Affidavit of mailing of the advertisement to those defendants who have last known addresses;
- 3) Proof of Publication (a statement from the publication(s), showing the cost and dates of publication, and a copy of the advertisement(s)).

The clerk will review the advertisement(s) for errors and, if there are none, enter the default on publication.

- c. Default Judgments—SCR-Civ. 55(b)(1). (*E.g.*, when a party fails to properly discharge a debt.)

The attorney may request a default judgment orally or by praecipe or other method by submitting the file jacket along with the following:

- 1) A Soldiers and Sailors Affidavit as to individual defendants. *See* SCR-Civ. 55(b)(1). Default judgments cannot be entered against individuals in the military services unless, pursuant to a motion, the court waives the provisions of the Soldiers' and Sailors' Civil Relief Act. Counsel should petition the court to appoint an attorney to investigate the defendant's status. After the investigative report is filed, counsel may move the court for the relief sought. The Soldiers and Sailors Affidavit must not be more than thirty days old;
- 2) Original promissory notes, contracts, leases, bad checks or triple-sealed abstracts of foreign judgments;
- 3) A praecipe of any credits, entitlements, or finance and interest rebates that may be due.

Claims based on installment notes and contracts that precompute finance or interest charges must be rebated as a credit on any unused portion at the time the case is reduced to judgment.

The clerk will prepare a judgment order. A copy of the order is mailed to plaintiff or his/her

counsel and the defendant(s). No partial judgments are granted. *See* SCR-Civ. 54.

d. Judgments by Affidavit—SCR-Civ. 55-II. (Based on claims for property damage only.)

A default SCR-Civ. 55(a) must be entered prior to the filing of the affidavit. The attorney should submit the file jacket along with the following items:

- 1) Affidavit that complies with SCR-Civ. 56(e). (*See* SCR-Civ. 55-II(a) for the applicable time periods for filing the affidavit by mail);
- 2) Paid bill, or estimate of loss statement;
- 3) Copy of the letter of transmittal to the defendant, indicating that judgment will be entered as set out in the affidavit, unless s/he makes objections known to the court within ten days from date of the letter.
- 4) A Soldiers and Sailors Affidavit, if appropriate;
- 5) A praecipe withdrawing all claims other than the property damage claim, such as injury, medical bills, loss of use of automobile, etc.

These cases are retained by the Judgment Office and judgments are automatically entered after thirteen days, unless an opposition is filed. Judgment orders are prepared by the clerk and copies are mailed to all parties.

If opposition is filed, the case is sent to the Assignment Office, Room 1120, to be set for a hearing on the contested motions calendar, and notice of the hearing is sent to all parties.

e. Judgments—SCR-Civ. 62-II.

When a case has been settled by a written agreement for a specific amount to be paid, with terms for payment, the clerk may enter a judgment for failure of compliance.

- 1) A copy of the judgment order must be mailed directly to the defendant *and* his/her attorney, if any.
- 2) The case jackets are held in the Judgment Office and judgments are automatically entered after thirteen days from the service, *unless* the request

for an order of noncompliance is withdrawn or an opposition is filed.

- a) If withdrawn, the attorney may call the Judgment Office, 727-1764, and orally request an order of noncompliance—then submit a praecipe to the Judgment Office.
- b) If an opposition or statement of compliance is filed, cases are forwarded to the Assignment Office, Room 1120, to be set for a hearing on the contested motions calendar, and notice of the hearing is sent to all parties. No formal motion is necessary to oppose the application for judgment, but it must be in writing before a hearing will be scheduled.

f. Vacating Stays—SCR-Civ. 62-II.

Whenever a judgment has been entered with a stay of execution or a condition for payments or, subsequent to a judgment, a stipulation for payments has been filed, attorneys must vacate the stay or agreement by application with consent form SCR-110-B. This form is available in the Judgment Office. The procedure is the same as for judgments.

g. Judgments of Condemnation—SCR-Civ. 69-I(c).

These are judgments against a person or an institution holding assets of the judgment debtor.

1) *Procedure for Entry of Judgment*

The file should be submitted along with an oral request or a praecipe, requesting that judgment of condemnation be entered. The clerk will review and enter judgment on the file jacket and prepare the judgment order. A copy will be mailed to all parties.

Remember

- a) Judgment will not be entered until ten days after the date the writ of attachment was served on the garnishee.
- b) The condemnation must generally be requested within twenty-eight days from the date the answer was filed, unless the property is wages as defined in D.C. Code 1973, § 16-571 or the court provides otherwise. SCR-Civ. 69-

I(c). Afterwards, the writ automatically stands dismissed.

2) *Procedure to Collect the Monies*

- a) After judgment is entered, the attorney for the judgment creditor submits the file to the Clerk's Office, JM-220, and orders a copy of the condemnation judgment (fee). A self-addressed envelope for mailing the copy should also be left with the Clerk's Office.
- b) The attorney then presents the short copy to the garnishee for payment.
- c) After payment, attorneys are to file with the Clerk's Office a praecipe, with a copy to the garnishee, releasing the writ and entering the judgment of condemnation as paid and satisfied.

Judgments of condemnation are entered by the clerk by delegated administrative order. The clerk reserves the right to compel a motion to condemn when the answer by the garnishee is not clear and precise in nature or when property other than money is attached, such as bonds, negotiable instruments, safe deposit boxes, etc.

h. Consent and Confession Judgments—SCR-Civ. 68-I.

These judgments may be by praecipe or other written agreements that are signed by the parties.

1) *Procedure*

Attorneys submit the file, along with the praecipe or written agreement and any original notes, contracts, etc., to the Judgment Office.

Judgment will be entered on the file jacket and the praecipe or other written paper will stand as the Judgment Order. No copy is mailed to the parties.

2) *If on Trial Calendar*

- a) Non-Jury Calendar—The clerk may enter the judgment any time prior to trial or on the day of trial, by informing the Assignment Commissioner and bringing the case to the Judgment Office.

- b) Jury Calendar—The clerk may enter the judgment any time prior to forty-eight hours of the jury trial date; otherwise, the attorney must have the Calendar Control Judge approve a consent judgment or waive the penalty rule for settling a case within eight hours of a jury trial (SCR-Civ. 16-I(i)).
- 3) *Consents Not Granted by Clerk*
- a) Those requested within forty-eight hours of a jury trial;
 - b) Those involving minors;
 - c) Those requested by corporations without an attorney, in violation of SCR-Civ. 101.

Bill of Costs—Certificate of Witness

Generally, a bill of costs is not needed if the attorney seeks to recover costs for clerk's filing fees and marshal's fees, process server fees equal to marshal's fees, or other costs grantable by the clerk. Witness fees are allowed as regular costs only if the attorney files the certificate of witnesses within five days from date the judgment is docketed (microfilmed).

Procedure

The bill of costs and certificate of witnesses must be filed with the case file in the Judgment Office, JM-220.

There is no time limit for filing the bill of costs, as long as filing is within a reasonable time after judgment. The certificate of witnesses must be filed within five days from the date the judgment is docketed. The clerk reviews the costs and, if necessary, forwards the file and the bill of costs to the trial judge for consideration of those costs not grantable by the clerk. Costs are taxed and a copy of the order mailed to the parties.

i. Attachments Before Judgment—SCR-Civ. 64-I.

A writ of attachment before judgment (ABJ) may proceed *in rem* or *in personam*.

- 1) *Requirements*—The attorney must present the following at the Clerk's Office, JM-220:
 - a) A complaint, usually verified.
 - b) Summons (provided by Clerk's Office).
 - c) Affidavit in support of the attachment that must establish good cause for the issuance and

- meet the requirements of D.C. CODE ANN. § 16-501(c) and (d), (1973 & Supp. 1978) and SCR-Civ. 64-I(b).
- d) Affidavit of current mailing address of the defendant, reg. agent, etc., SCR-Civ. 64-I(a).
 - e) Notice Form 105 (SCR-Form 105) (provided by Clerk's Office).
 - f) Writ of attachment before judgment (provided by Clerk's Office).
 - g) Bond in attachment before judgment in the amount twice the amount of the claim.
 - h) U.S. Marshal service form.
- 2) *Copies Needed for Each of the Above*
- a) Complaint
 - 1 Original for file
 - + 1 copy for each defendant to be served with the summons
 - + 1 copy for each defendant to be mailed by the clerk with Form 105.
 - b) Summons
 - 1 Original and 1 copy (a set) directed to each defendant
 - + 1 copy for each defendant.
 - c) Affidavit in Support of the ABJ
 - 1 Original for file jacket
 - + 1 copy for each defendant to be served with the summons
 - d) Affidavit of Current Mailing Address
 - 1 Original for file jacket
 - + 1 copy for each defendant to be served with the summons.
 - e) Notice Form 105
 - 1 Original for file jacket
 - + 1 copy for each defendant to be mailed by the clerk with a copy of the complaint and writ
 - + 1 copy for each defendant to be served with the summons.
 - f) Writ of Attachment
 - 1 Original for file jacket
 - + 1 copy for each defendant to be served with the summons

- + 1 copy for each defendant to be mailed by the clerk with complaint and Notice Form 105
 - + 2 copies to be served upon the garnishee.
 - g) Bond
 - 1 Original for file jacket
 - + 1 Original for U.S. Marshal, if necessary.
 - h) U.S. Marshal Service Form
 - 1 Original for each process to be served by the Marshal's Office.
- 3) *Procedural Steps*—The above papers should be taken to:
- a) JM-220 to have the pleadings checked for completeness. If in order, the case is given a civil action number and the file is prepared while the party waits.
 - b) JM-220, cashier, to pay the filing fees.
 - c) Courtroom 31, for a Civil Calendar Judge's approval to issue the writ pursuant to one of the three ways stipulated on Form 105.
 - d) JM-220, to issue the writ if it is allowed to go out immediately and to have the bond approved (which must be in the sum twice the amount of the party's claim or an amount determined by the judge.)
 - e) JM-220, cashier, to pay fees for the issuing of the writ. If the U.S. Marshal is to serve it, the process should be left there for the Marshal to pick up.
If a hearing is required to determine if the writ may issue, then the file is taken to Room 1120, for the clerk to set the hearing on the date stipulated by the judge.
- 4) *Final Disposition*
- a) If answered, the case proceeds to trial like any other civil case.
 - b) If the judge enters a default, the case may proceed in the following ways:
 - i) *In personam*
The clerk may enter the default judgment if the claim is for a sum certain and all other criteria for a default judgment are met.

The clerk may also enter the judgment of condemnation at the same time if monies are attached, such as bank accounts. If physical assets are attached, the attorney must file a motion to condemn and appoint a trustee to sell, etc.

ii) *In rem*

The clerk may enter a default, but if the claim is not for a sum certain, the case must first be set for *ex parte* proof to establish the amount of the claim. After judgment *in rem* has been entered on *ex parte* proof, the attorney files the motion to condemn funds or appoint a trustee to sell the physical assets.

If the claim is a sum certain, attorneys must file a motion for the judgment *in rem* for the total aggregated amount of the claim and a motion for judgment of condemnation or appointment of a trustee to sell or the other desired relief.

j. Replevin—SCR-Civ. 64-II.

Replevin actions seek the recovery of chattels wrongfully taken or detained.

1) *Requirements*—The following papers must be filed to maintain a replevin action:

- a) A verified complaint in replevin;
- b) Affidavit or sworn testimony in support of replevin;
- c) Order SCR-Form 108, provided by the Clerk's Office, JM-220 (This order contains a protective clause for the defendant to preserve and retain the chattel and a date, time, and place for a hearing to determine if the writ may issue.)

A "true-test" copy of the order must be served, along with the summons and complaint, upon the defendant at least five days prior to the hearing date, unless otherwise directed by the judge.

- d) Summons;
 - e) Marshal's Service Form, if the U.S. Marshal was used to serve the process. (A process server or certified/registered mail may be used to service the order, summons and complaint. Only the U.S. Marshal may execute the writ of replevin.)
- 2) *Procedural Steps*—The attorney should hand-carry the above to:
- a) JM-220 to have the pleadings checked for completeness. If everything is in order, the file is given a case number and prepared while the party waits.
 - b) JM-220, cashier, to pay the filing fees.
 - c) Courtroom 9, for a Calendar Control Judge's approval of the order (SCR-Form 108) and to set the date of hearing.
 - d) JM-220, to prepare a "true-test" copy of the order and to issue same with the summons and complaint.
 - e) JM-220, Finance Office, to leave the order, summons and complaint, if they are to be served by U.S. Marshal. If no other means of service are used, the papers are given to the party to deliver to a process server or for mailing by certified/registered mail.
 - f) The case is then sent to the Assignment Office, Room 1120, to be placed on the motions' calendar for the day specified in the order.

After Hearing

A hearing is held before the Calendar Control Judge on the date specified in the Order, SCR-Form 108. If the defendant is not served within five days prior to the hearing date and does not appear, a new order form, SCR-Form 108, must be obtained for a new hearing and a "true-test" copy served again upon the defendant.

If the defendant appears, arguments are taken and the case can be disposed of at that time. If a writ is allowed to be issued, the following documents are needed:

1. Writ of replevin (3 copies).
2. Undertaking in replevin.

These are sums covering the amount of eventual recovery of a judgment. If the judge sets a specific amount of undertaking to be posted, then a bond in that amount must be filed in lieu of the open undertaking in replevin.

3. Marshal Service Form.
Only the Marshal may execute this type of writ.
4. Marshal's bond and cash costs. D.C. CODE ANN. § 16-3701 (1973 & Supp. 1978).

3) *Final Disposition of Replevin Cases—*

- a) *If an answer is filed*, the case is set on the non-jury or jury calendar as any other contested case.
- b) *If no answer is filed*, the Judgment Clerk may enter a default and the case will be set for *ex parte* proof before the Civil Calendar Control Judge in Courtroom 9.

After proof is given, the court will likely enter a judgment for possession of the chattel(s) as listed in the complaint or, if more than one but not all chattels are replevied, a judgment is entered for possession of the chattel(s) listed in the Marshal's schedule and money judgment for the value of the other items not recovered and for damages or any other money amounts so requested in the prayer clause of the complaint.

The courtroom clerk will deliver the file to the Judgment Office to prepare the judgment order and mail a copy to all parties. A Soldiers and Sailors Affidavit is required before entry of the final judgment. *See* section VII.B.1.c. *supra*.

NOTE: Execution of the Writ by the U.S. Marshal

The U.S. Marshal prepares a schedule listing the items so replevied. D.C. CODE ANN. § 16-3708 (1973 & Supp. 1978). The defendant may file a motion to regain possession of the chattel(s) replevied.

- 4) *Form of Default Judgment Requests—SCR-Civ. 55(b)(1)*
 - a) The claim must be for a sum certain or one that may be computed to be made certain.
 - b) The complaint must be properly verified. The verification may be added to the end of the complaint, but not included in the body of the

complaint; or may be a separate paper. It must also contain specific language to meet requirements of SCR-Civ. 55(b)(1) and SCR-Civ. 9-1(c).

- c) The verified complaint or the affidavit of verification must have been served upon the defendant at least twenty days prior to the request for judgment.
- d) No default or default judgment will be entered until after twenty-eight days from date of service. Twenty days are allowed to serve an answer. SCR-Civ. 12
 - + three days for mailing—SCR-Civ. 6.
 - + five days from mailing date to file the pleading with the court—SCR-Civ. 5.Thus, if the answer is mailed on the twenty-third day, the party/opponent has five more days to file the answer with the court.

VIII. APPEALS

A. *Filing on Appeal*

All notices of civil appeal must be filed in JM-220 within thirty days after entry of judgment. D.C. Ct. App. Rule 4. The time to appeal is not affected by lack of notice from the Clerk's Office. SCR-Civ. 77(d). The court may, in its discretion, choose to relieve a party from prejudice suffered from late filing caused by mistake, inadvertence, excusable neglect, newly discovered evidence, fraud, or other reason. SCR-Civ. 60(b).

B. *Transcripts*

Transcripts are treated in SCR-Civ. 201. Attorneys may obtain transcripts of civil proceedings from the Court Reporter's Office, Room C-195 ("C" Street level). The price is \$1.00 per page for transcripts requested after the completion of a trial and \$2.00 per page for daily copies of on-going trials.

APPENDIX A
SUPERIOR COURT RULES

The Superior Court Rules of Civil Procedure are modeled after the Federal Rules of Civil Procedure. D.C. CODE ENCYCL. § 13-101 (West 1966) provides, *inter alia*, that the Superior Court shall conduct its business according to the Federal Rules unless it prescribes or adopts rules that modify them. Such modifying rules must be submitted for the approval of the District of Columbia Court of Appeals. However, the Superior Court may adopt and enforce other rules of courthouse practice and procedure without the approval of the Court of Appeals, if those rules do not modify the Federal Rules.

Rules 1-86 are derived directly from the correspondingly numbered Federal Rules. Rules 1-86 followed by a roman numeral contain additional Superior Court provisions dealing with the same subject matter as the Federal Rules. Rules bearing an arabic number above 100 are purely local, to which there is no federal parallel provision. These rules have been placed at the end of the federally derived rules under three headings (Practice before this Court, Miscellaneous Provisions, and Fiduciary Rules) and assigned consecutive numbers commencing with 101.

Following each rule, a comment indicates that the Superior Court Rule is identical to the Federal Rule or specifies how the local rule departs from its federal counterpart. The comments are those of the D.C. Rules Advisory Committee, not the court, and are not binding on judges applying the rules.

- A. SOURCES OF THE SUPERIOR COURT RULES (of civil and/or criminal procedure).
1. *The Rules Themselves*—Updates of the Rules are provided free of charge by the Rules Service Company during the first year of subscription.
 - a. Court Rules
Rules Service Company
3930 Knowles Avenue
Kensington, Maryland 20795
 - b. Rules Updates (after the first year of subscription to a rules service)
D.C. Institute for Continuing Legal Education, Inc.
7101 Wisconsin Avenue, Suite 612
Washington, D.C. 20014
 2. *Interpretations of the Rules*
 - a. “Case Citor—D.C. Superior Court”

Rules Service Company
3930 Knowles Avenue
Kensington, Maryland 20795

(This reference source contains existing case law on the various rules. Case law interpreting a Federal Rule will be persuasive, however, only if (1) there is no case law defining the Superior Court Rule, and (2) the language of the two rules is the same or similar.)

- b. D.C. Superior Court
D.C. Rules Advisory Committee Minutes
- c. Treatises, hornbooks and other standard reference works.

B. RULE-MAKING

Rules of procedure constitute the primary mechanism of the efficient administration of justice. The District of Columbia Superior Court updates its procedural rules six or seven times a year. Revisions and deletions appear in the rules service supplements.

The public, including attorneys, may participate in the rule-making process pursuant to a new notice and comment procedure. Superior Court Board of Judic. Resolution, republication of Rules Admendment (Jan. 18, 1979), *reprinted in* 107 DAILY WASH. L. RPTR. 153 (Jan. 25, 1979). That procedure is as follows:

1. Notice of proposed rules will be published in *The Daily Washington Law Reporter* and distributed among the local bar associations and presidents of other voluntary associations of members of the bar who request such publications in writing;
2. An opportunity to comment on the proposed rules will be provided for a specified period of not less than 30 days, all comments being submitted to the Attorney Advisor to the Superior Court Rules Committee, Room 5400;
3. Any person desiring change in the Superior Court Rules may submit a request describing his/her proposal to the Chairman of the Rules Committee or the rules advisory committee of the particular division (*e.g.*, civil or criminal).

APPENDIX B

TYPES OF CIVIL PROCEEDINGS

- A. CIVIL I CASES [SCR Civ. 40 II]—A case is designated as Civil I (one) when it is considered to be complicated or extended (*e.g.*, medical or legal malpractice, wrongful death with survival actions). A case may be referred for designation as Civil I by any of the following:

1. a motion by any party;
2. a screening committee of Civil Division personnel;
3. the Civil Motions Commissioner;
4. any judge assigned to the Civil Division;
5. the Civil Screening Judge.

The assigned judge will handle cases designated as Civil I *for all purposes*. All papers filed in the case should indicate immediately under the case number that it is a Civil I case and the name of the judge to whom it is assigned. All papers and pleadings should be filed in the Civil Clerk's Office, JM-200, and one copy of all papers delivered by the parties to the judge's chambers on the day of filing. These papers will be given priority and promptly forwarded to the judge. The judge sets his/her own motions, hearings, status calls, and trial dates. The judge's staff will send notices of the important dates. The Assignments Office will notify counsel when a case has been designated Civil I.

- B. CIVIL II CASES—Most civil litigation falls into the Civil II category. The procedures discussed in this guide apply to Civil II actions unless otherwise specified.

C. JUDGE-IN-CHAMBERS MATTERS

The following matters are handled by a judge-in-chambers:

1. Petitions for change of name—SCR Civ. 205, D.C. CODE ANN. §§ 16-2501 to -2502 (1973 & Supp. 1978). The petitions are filed in JM-220 and then taken to the judge-in-chambers who:
 - a) determines that the petitioner has a *prima facie* right to relief;
 - b) orders/waivers publication in the newspaper.
 - c) sets a date for the final hearing;
 - d) inquires who, if anyone, is entitled to notice of the petition and of the final hearing.
2. *In forma pauperis* petitions—An attorney brings this type of motion with an affidavit conforming to CA Form 106, or the Deputy Clerk of the Civil Actions Branch may send a prisoner's petition for relief to the judge-in-chambers with the attorney's motion, affidavit and order to proceed *in forma pauperis*. SCR Civ. 54-II

3. Approval of restoration of driver's licenses—D.C. CODE ANN. §§ 40-462 to -466 (1973 & Supp. 1978). In cases involving ownership, maintenance, or use of an automobile where the judgment debtor's license has been suspended, a judgment debtor may apply to the court for the privilege of paying the judgment in installments. If the court approves, the judgment debtor's driver's license will be restored.
4. Approval of the issuance of subpoenas to take depositions in cases filed in foreign jurisdictions—SCR Civ. 28-I(b). The attorney should file the commission or certified copy of a notice of deposition from a foreign jurisdiction in the Civil Clerk's Office JM-220. There, the case will be assigned an "M" number and the attorney should then deliver the papers to the judge-in-chambers for approval. The attorney must then return the notice or commission to the Civil Clerk's Office JM-220, and the clerk will issue subpoenas for the deposition after the required fee is paid.
5. Procedure for Motions for Temporary Restraining Orders—SCR Civ. 65(b). The attorney must file the motion for a temporary restraining order (TRO) and for a preliminary injunction along with the complaint in the Civil Clerk's Office, JM-220. After filing, counsel will be sent to the judge-in-chambers. A hearing must be held within ten days, unless otherwise agreed by the parties. Copies of the signed order will be sent out by the judge-in-chambers. If a TRO is granted, SCR Civ. 65(c) requires the court to order the moving or petitioning party to post security for whatever sum the court feels proper to compensate one who might be injured by a wrongful restraint. The United States and the District of Columbia governments are exempt from this requirement.
6. Specially Assigned Matters—The Chief Judge may at any time assign a civil case to a single judge for all purposes. SCR Civ. 40-I(f). The order may be entered *sua sponte*, upon written recommendation of the Calendar Control Judge on his own motion, or upon written request of any party or upon joint request of all parties. All papers filed in the case should indicate under the case number the name of the assigned judge and that the case is specially assigned.

APPENDIX C

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SCR Civ 202

FEES

Fees shall be as indicated below for actions in the Civil Division (CA), the Small Claims and Conciliation Branch (SC), and the Landlord and Tenant Branch (L & T):

	CA	SC	L&T
1. For filing complaint and verification, issuing alias summons, issuing subpoenas, continuances, all notices of hearing before and after trial or judgment, trial, judgment and satisfaction	\$45.00		\$10.00
2. For filing statement of claim, and notice, issuing copy, trial, judgment and satisfaction, and including stay of execution (and oral examination of defendant in wage claims)		1.00	
3. For taking affidavit or affirmation	.50	.50	.50
4. For issuing attachment on a judgment	10.00	10.00	10.00
5. For short copy of judgment, release, dismissal, condemnation, etc.	5.00	2.00	2.00
6. For issuing notice of cancellation, conducting hearing thereon, and entry of final order or agreement of conciliation		5.00	
7. For filing arbitration agreement, and entering award		5.00	
8. For filing intervening petition	45.00	5.00	10.00
9. For attachment before judgment against non-resident, etc., with bond, affidavit, and writs; issuing summons, alias summons, subpoenas, continuances, all notices of hearings before and after trial or judgment, trial, judgment and satisfaction	45.00		
10. For attachment before judgment against nonresident, etc., with bond, affidavit, copies, etc.; trial, judgment and satisfaction		10.00	
11. For writ of replevin, with undertaking, affidavit; issuing summons, alias summons, subpoenas, continuances, all notices of hearings before and after trial or judgment, trial, judgment and satisfaction	45.00		

	CA	SC	L&T
12. For attachment before judgment (for rent) with affidavit and writ, issuing summons, alias summons, subpoenas, continuances, all notices of hearings before and after trial or judgment, trial, judgment and satisfaction	45.00		10.00
13. For attachment before judgment (for rent) with affidavit, copies, etc., trial, judgment and satisfaction		10.00	
14. For issuing alias writ of attachment before judgment, alias writ of replevin, and alias writ of attachment before judgment (for rent)	5.00	5.00	5.00
15. For issuing writ of <i>Fieri Facias</i> or writ of execution	10.00	10.00	10.00
16. For issuing writ of <i>Distringas</i>	5.00	5.00	5.00
17. For issuing triplicate certificate of judgment	10.00	5.00	5.00
18. For issuing transcript of record	5.00	1.00	5.00
19. For filing motion for new trial, for motion to vacate judgment, <i>for motion for judgment NOV, and for motion to reinstate</i>	10.00	5.00	10.00
20. For writ of restitution	10.00		10.00
21. Demand for jury trial	75.00	75.00	75.00
22. For making and comparing a transcript of record on appeal, per page	.50	.50	.50
23. For filing condemnation cases and for all services to be performed therein	45.00		
24. For filing libel cases and for all services to be performed therein	45.00		
25. For filing change of name class and for all services to be performed therein	45.00		
26. For services of a judge as arbitrator or conciliator		100.00 per hour	
27. For filing a notice or commission to take the deposition of a witness in the District of Columbia for use in foreign jurisdiction or for issuing a commission to take deposition of witness for use in foreign jurisdiction	.50		
28. For issuing each alias summons	5.00		
29. For issuing each subpoena	5.00		
30. For appointment of special process server	5.00		
31. For oral examination of debtor	5.00	5.00	
32. For copy or photocopy of any order or pleading furnished by the clerk, per page or portion of a page	.50	.50	.50
33. For filing notice of appeal	5.00		5.00

	CA	SC	L&T
34. For filing motion to reinstate after dismissal under Rule 41-I	25.00	5.00	

Effective April 1, 1982

H. CARL MOULTRIE
CHIEF JUDGE

APPENDIX D
SUPERIOR COURT CIVIL RULE
TIMETABLE*

Note: Set out below is an unofficial compendium of the various time limits which are prescribed by the Superior Court Civil Rules. This list has been compiled for the convenience of local practitioners and is not intended to supersede the Civil Rules. Should the time limits cited herein vary at all from those contained in the Civil Rules, the latter shall take precedence.

In general, these time limits may be enlarged for good cause shown by order of the court. *See* SCR Civ 6(b). It should be noted, however, that the time limits contained in Civil Rules 50(b) [Motion for Judgment Notwithstanding the Verdict], 52(b) [Findings by the Court], 59(b) and (d) [Motion for New Trial], 59(e) [Motion to Alter or Amend Judgment] and 60(b) [Motion for Relief From Judgment or Order] may not be extended except to the extent and under the conditions stated in these rules.

ADMISSIONS

Requests for admissions, service of	On plaintiff any time after commencement of action and on defendant any time after service of summons and complaint on him. SCR Civ 36(a).
Response to requested admissions	Must be served within 30 days after service of the request but need not be served until 45 days after service of the summons and complaint upon the party to whom the request is made. SCR Civ 36(a).
Objection to requested admission	Objections to parts of request extend time for response only as to those parts. Objection must be made within the time allowed for response to the request. SCR Civ 36(a).

ALTERNATE jurors May replace disqualified jurors prior to retirement for deliberation. SCR Civ 47(b).

AMENDMENT of pleadings Once as a matter of course before responsive pleading is served or within 20 days if no response is permitted and action has not been placed on trial calendar. SCR Civ 15(a).
At any time with leave of court or by consent of adverse parties. SCR Civ 15(a).
Within 20 days if pleading is dismissed or stricken with leave to amend, unless otherwise provided by court order. SCR Civ 15(a).
During trial or after judgment to conform to proof. SCR Civ 15(b).

ANSWER

To complaint	Within 20 days after service of summons and complaint except when service is made under
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* Prepared by Peter Djinis, Attorney Advisor for the District of Columbia Superior Court, March, 1979.

	Rule 4(e) and a different time is prescribed in the applicable statute or order or rule of court. SCR Civ 12(a).
	Within 60 days after service upon the United States Attorney in an action against the United States or an officer or agency thereof. SCR Civ 12(a).
To cross-claim	Within 20 days after service of pleading stating cross-claim. SCR Civ 12(a).
To third-party complaint	Same limits as answer to complaint. SCR Civ 14(a).
To notice of condemnation	Within 20 days after service of notice. SCR Civ 71 A(e).
ANSWER to interrogatories to party	Within 30 days after service of the interrogatories, except that a defendant may serve answers or objections within 45 days after service of the summons and complaint upon him. SCR Civ 33(a). Answers to interrogatories to which timely objection has been made need not be furnished unless the court so orders on motion under Rule 37(a). SCR Civ 33(a).
ATTACHMENT after judgment Application for judgment against garnishee	Shall be filed within four weeks after answers to the interrogatories are due and are not filed. SCR Civ 69-I(e) (1). As to property other than "wages", within four weeks after garnishee has filed answers to the interrogatories. SCR Civ 69-I(e) (2). As to "wages", within 15 weeks of the date on which a garnishee fails to make a payment due under the writ. SCR Civ 69-I(e) (3). Within such later time as may be ordered by the Court upon motion made within the applicable period. SCR Civ 69-I(e) (4).
CASE conferences	
Initial status conference	May be called by the Civil Calendar Control Judge, by motion or <i>sua sponte</i> , within 30 days after filing of responsive pleading. If practicable, status conference will be held within 40 to 60 days from the date on which the responsive pleading was filed. SCR Civ 16-I(b).
Pretrial and settlement conference	Application must be made not less than 90 days in advance of trial. SCR Civ 16-I(a).
CLASS actions	
Motion for certification of class	Within 90 days after filing of the complaint. SCR Civ 23-I(b) (1). Opposition to request for class action certifica-

Notice	tion must be filed within 10 days after service of request. SCR Civ 23-1(b) (2).
CLERICAL mistakes	Plaintiff's proposal for notice procedure shall be included in his certification motion. SCR Civ 23-1(c) (1). Opposition to plaintiff's proposal for notice shall be combined with any opposition to the certification motion. SCR Civ 23-1(c) (2).
COMPLAINT	May be corrected at any time. However, during pendency of an appeal, such mistakes may be corrected before appeal is docketed in appellate court and thereafter with leave of appellate court. SCR Civ 60(a). Filing commences action. SCR Civ 3. Complaint must be served with the summons. SCR Civ 4(d).
COMPUTATION of time	Exclude day from which period runs and include last day of period unless a Saturday, Sunday, or legal holiday. SCR Civ 6(a). Intermediate Saturdays, Sundays, and legal holidays are included except where the period is less than seven days in which case they are excluded. SCR Civ 6(a). Service by mail is complete upon mailing. SCR Civ 5(b). Service by mail adds three days to a period of time which is computed from such service. SCR Civ 6(e). Legal holidays are defined by SCR Civ 6(a).
CONDEMNATION of property Answer to notice of condemnation	Within 20 days after service of notice. SCR Civ 71A(e).
CONTINUANCES Pretrial continuance	Application shall be made not less than five days prior to the scheduled conference date, except for applications based on circumstances arising thereafter. SCR Civ 16-1(j).
Trial continuance	Application shall be made not less than five days prior to trial date, except for applications based on circumstances arising thereafter. SCR Civ 40-1(e).
COSTS	Costs may be taxed by the clerk on one day's notice. SCR Civ 54(d).
DEATH of party Motion to substitute party (non-public officer)	Must be filed and served by any party or by the successors or representatives of the deceased party not later than 90 days after the death is suggested upon the record. SCR Civ 25(a) (1).

Motion to substitute party (public officer)	If public officer is named as party in his official capacity, his successor is automatically substituted as a party. This rule also applies when public officer resigns or otherwise ceases to hold office. SCR Civ 25(d) (1).
DEFAULT	
Entry by clerk	When plaintiff's claim is for a sum certain, the plaintiff may apply for entry of default by the clerk at least 20 days after a copy of the certified complaint has been served upon defendant. SCR Civ 55(b) (1).
Entry by court	In all other cases the party entitled to judgment by default shall apply to the court. SCR Civ 55(b) (2). If party against whom judgment by default is sought has appeared in the action he or his representative shall be served with written application. SCR Civ 55(b) (2).
Setting aside default (by the court)	court may set aside default for good cause shown upon filing of verified answer setting up a defense sufficient, if proved, to bar the claim in whole or in part. SCR Civ 55(c).
Setting aside default (by the clerk)	Provided that a trial date has not been set, the clerk may vacate a default by consent within 60 days of its entry. SCR Civ 55-III.
DEPOSITIONS	
Notice of filing	<i>See also "Interrogatories".</i> Must be promptly filed with the court or sent by registered or certified mail to the clerk for filing. SCR Civ 30(f) (1), (3); SCR Civ 31(b), (c).
Notice of taking	By either party after commencement of action except that plaintiff must obtain leave if he seeks to take a deposition prior to the expiration of 30 days after service of the summons and complaint upon any defendant, except that service is not required: (1) if defendant has served a notice of taking deposition or otherwise sought discovery, or (2) if the special notice permitted by Rule 30(b) has been given. SCR Civ 30(a). Reasonable notice to every party. SCR Civ 30(b).
Objections and motions to suppress Protective orders	Must be made promptly. SCR Civ 32(d). No time stated. SCR Civ 26(c).
Motion to terminate or limit examination	Any time during the taking of the deposition. SCR Civ 30(d).
Perpetuate testimony before action	Service of notice and petition 20 days before date of hearing. SCR Civ 27(a) (2).
Taking	Time specified in the notice of taking unless enlarged or shortened by the court. SCR Civ 30(b) (1), (3).

DEPOSITIONS on written question	<i>See also</i> "Depositions".
When taken	After commencement of action. SCR Civ 31(a).
Cross questions	Within 30 days after service of the notice and questions.
Redirect questions	Within 10 days after being served with cross questions. SCR Civ 31(a).
Recross questions	Within 10 days after service of redirect questions.
Notice of filing of deposition	Promptly. SCR Civ 31(c).
Objections to form	Within the time allowed for serving the succeeding cross or other questions and within five days after service of the last questions authorized. SCR Civ 32(d) (3) (c).
DISCOVERY	<i>See also</i> "Admissions," "Depositions," "Interrogatories," and "Production of Documents."
Physical or mental examination of party	Order states time. SCR Civ 35(a).
DISMISSAL	
For want of subject matter jurisdiction	At any time. SCR Civ 12(h).
Voluntary dismissal by plaintiff without court order	Any time before service of answer or motion for summary judgment. SCR Civ 41(a) (1).
DOCUMENTS, production of	<i>See</i> "Production of Documents."
ENLARGEMENT of time	
Generally	Before expiration of the period originally prescribed or as extended by a previous order. SCR Civ 6(b).
Upon motion	After expiration of the specified period, only where failure to act was result of excusable neglect. SCR Civ 6(b).
	The above provisions apply to the periods of time in the Rules generally, with certain exceptions specified in Rule 6(b).
Affidavits, service	At time motion or opposition is served unless extended by court. SCR Civ 6(d).
Answer or other responsive pleading	Time may be enlarged by setting aside default for cause. SCR Civ 55(c).
	Also by motion presenting defenses and objections. SCR Civ 12(a).
Answers to interrogatories to parties	Deferred by timely written objections to specific interrogatories. Not so as to interrogatories not objected to. SCR Civ 33(a).
Taking deposition on oral examination	Court for cause may enlarge or shorten time. SCR Civ 30(b) (3).
Hearing of motions and defenses	May be deferred until trial. SCR Civ 12(d).
Service by mail	Adds three days to a period that is computed from time of service. SCR Civ 6(e).

Injunction - temporary restraining order	May be extended 10 days by order of court or for a longer period by consent of adverse party. SCR Civ 65(b).
Motion for judgment in accord with motion for directed verdict	10 days - No enlargement of time. SCR Civ 6(b); SCR Civ 50(b).
Motion to amend findings of fact	10 days - No enlargement. SCR Civ 6(b); SCR Civ 52(b).
Motion for new trial	10 days - No enlargement. SCR Civ 6(b); SCR Civ 59(b).
Motion to alter or amend judgment	10 days - No enlargement. SCR Civ 6(b); SCR Civ 59(e).
Motion to set aside or vacate a judgment or for relief from judgment or order under Rule 60.	No enlargement. SCR Civ 6(b); SCR Civ 60(b).
Motions, service of	Time may be fixed by court under Rules 6(b) and 6(d) except as stated in Rule 6(d).
New trial, on court's own motion	10 days after entry of judgment. SCR Civ 59(d). No enlargement permitted, but if timely motion was made, court may grant new trial on ground not stated in the motion after the 10-day period has expired. SCR Civ 6(b); SCR Civ 59(d).
Response to request for admissions	Time may be enlarged or shortened by the court. SCR Civ 36(a).
Substitution of parties	Time may be enlarged. SCR Civ 6(b).
EXECUTION	
Stay	10 days after entry of judgment. SCR Civ 62(a). Court may stay execution of proceedings to enforce a judgment pending disposition of motion for new trial or for judgment. SCR Civ 62(b).
FILING	
Papers	Complaint must be filed at commencement of action. SCR Civ 3. All papers required to be filed must be filed with clerk unless the judge permits them to be filed with him. SCR Civ 5(e). All papers after the complaint required to be served other than those referred to in Rule 12-1(e) must be filed either before service or within five days after service.
FINDINGS	
Motion to amend	10 days after entry of judgment. SCR Civ 52(b). Time may not be enlarged. SCR Civ 6(b).
FOREIGN law	
	Reasonable written notice required of party intending to raise an issue concerning the law of a foreign country. SCR Civ 44.1.

HEARING of motions	Hearing of certain motions and defenses may be deferred until trial. SCR Civ 12(d).
HOLIDAYS	New Year's Day, Martin Luther King, Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States or by the District of Columbia. SCR Civ 6(a).
INJUNCTION	Expiration of temporary restraining order granted without notice—not more than 10 days after entry unless extended for a like period. SCR Civ 65(b). Filing temporary restraining order entered without notice—forthwith. SCR Civ 65(b). Hearing on motion to dissolve or modify restraining order—at earliest possible time on two day's notice or such shorter notice as court prescribes. SCR Civ 65(b).
INSTRUCTIONS	
Requests	Must be made at close of evidence or such earlier time as court directs. SCR Civ 51.
Requests for submission of special verdict	Before jury retires. SCR Civ 49(a).
INTERROGATORIES	
To parties	On plaintiff any time after action is commenced. On defendant any time after service on him of summons and complaint. SCR Civ 33(a).
Answers	Within 30 days after the service of the interrogatories, except that a defendant may serve answers or objections within 45 days after service of the summons and complaint upon him. SCR Civ 33(a).
Objections	Within time allowed for service of answers. SCR Civ 33(a).
INTERVENTION	Upon timely application. SCR Civ 24(a), (b).
JUDGMENT or order	
Acceptance of offer of judgment	Within 10 days after entry of offer. SCR Civ 68.
Clerical mistakes	No limit on time of correction. SCR Civ 60(a).
Directed verdict-motion for judgment in accord with motion for directed verdict	Within 10 days after entry of judgment or after jury has been discharged without verdict. SCR Civ 50(b).
Effectiveness	Time may not be enlarged. SCR Civ 6(b). Not effective until entry. SCR Civ 58.

Entry	When a paper, appearance, order, verdict, judgment, etc. is photographed on microfilm by the clerk, that date shall be regarded as the date of the entry. SCR Civ 79(a).
Excusable neglect, relief from judgment or order	Motion must be made within a reasonable time, not exceeding one year from entry of judgment or order. SCR Civ 60(b). Time may not be enlarged. SCR Civ 6(b).
Fraud, relief from judgment or order	Motion must be made within a reasonable time, not exceeding one year from entry of judgment or order. SCR Civ 60(b). Time may not be enlarged. SCR Civ 6(b).
Inadvertence, relief from judgment or order	Motion must be made within a reasonable time not exceeding one year from entry of judgment or order. SCR Civ 60(b). Time may not be enlarged. SCR Civ 6(b).
Mistake, relief from judgment or order	Motion must be made within a reasonable time, not exceeding one year from entry of judgment or order. SCR Civ 60(b). Time may not be enlarged. SCR Civ 6(b).
Newly discovered evidence, relief from judgment or order	Motion must be made within a reasonable time, not exceeding one year from entry of judgment or order. SCR Civ 60(b). Time may not be enlarged. SCR Civ 6(b).
Misrepresentation or misconduct of party, relief from judgment or order	Motion must be made within a reasonable time, not exceeding one year from entry of judgment or order. SCR Civ 60(b).
Setting aside or vacating	Same as above. SCR Civ 60(b); SCR Civ 6(b).
Stay	10 days after entry. SCR Civ 62(a).
Surprise, relief from judgment or order	Motion must be made within a reasonable time, not exceeding one year from entry of judgment or order. SCR Civ 60(b). Time may not be enlarged. SCR Civ 6(b).
JUDICIAL BIAS or prejudice	Motion for recusal of judge, together with affidavit in support of motion, shall be filed at least 24 hours prior to the time set for hearing of such matter. SCR Civ 63-1.
JURORS	Alternate jurors may replace disqualified jurors prior to retirement to deliberate. SCR Civ 47(b).
JURY trial	
Demand	Any time after commencement of action and not later than 10 days after service of last responsive pleading directed to issue. SCR Civ 38(b). Adverse party may demand jury trial within 10 days after service of first demand or such lesser time as court fixes. SCR Civ 38(c).

Fee	Jury fee must be paid at the same time the demand is made. SCR Civ 38.
LEGAL holiday	<i>See</i> "Holidays".
MAIL	Service by mail adds three days to period computed from time of service. SCR Civ 6(c).
MORE definite statement	
Furnished	Must be furnished within 10 days after notice of order or other time fixed by court or court may strike pleading. SCR Civ 12(e).
Motion for	Must be made before responsive pleading is served. SCR Civ 12(e).
MOTIONS	
Affidavits	Affidavit in support of motion or opposition to motion shall be served with the motion or opposition unless the court otherwise orders. SCR Civ 6(d).
Motion to alter or amend judgment	10 days after entry of judgment. SCR Civ 59(e). Time may not be enlarged. SCR Civ 6(b).
Motion for intervention	Unlimited except that motion must be "timely". SCR Civ 24(a), (b).
Motion for judgment on the pleadings	After pleading closed but before trial. SCR Civ 12(c).
Motion to quash subpoena duces tecum	Promptly and before time for compliance. SCR Civ 45(b). Objection to inspection and copying of documents called for by the subpoena may be made within 10 days after service of the subpoena or on or before the time specified for compliance if this is less than 10 days after service. SCR Civ 45(d) (1).
Motion for summary judgment	For claimant—20 days after commencement of action or after service of motion for summary judgment by adversary. SCR Civ 56(a). For defending party—any time. SCR Civ 56(b). Motion shall be served at least 10 days before time fixed for hearing. SCR Civ 56(a). Adverse party may serve opposing affidavits prior to day of hearing. SCR Civ 56(a). Any party opposing motion may, within 10 days after service of the motion upon him, serve and file a statement of genuine issues setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated. SCR Civ 12-I(k).
Motion for new trial	Service of motion not later than 10 days after entry of judgment. SCR Civ 59(b).

	Time may not be enlarged. SCR Civ 6(b).
	Party whose verdict has been set aside on motion for judgment notwithstanding the verdict may move for new trial not later than 10 days after entry of such judgment. SCR Civ 50(c) (2).
Motion to strike from pleadings	Before responsive pleading is filed or, if no responsive pleading is permitted, within 20 days after service of the pleading. SCR Civ 12(f).
NOTICE	
Notice of filing of depositions	Promptly. SCR Civ 30(f) (1), (3); SCR Civ 31(b), (c).
Notice of motion for leave to file supplemental pleadings	Reasonable notice as directed. SCR Civ 15(d).
Notice of offer of judgment	More than 10 days before trial. Acceptance must be served within 10 days after service of offer. SCR Civ 68.
Notice of motion to dissolve or modify temporary restraining order	Two days or such shorter notice as the court may fix. SCR Civ 65(b).
Opposition	Shall be filed and served within 10 days after service of motion, unless court otherwise orders. SCR Civ 12-1(e).
Order on motion	Proposed order shall be filed with court within five days after court has ruled on motion, unless otherwise ordered by the court. SCR Civ 12-1(1).
OBJECTION to Depositions	
To depositions	Admissibility of evidence and competence of witness may be challenged at trial. SCR Civ 32(b), (d). Motion to suppress must be made promptly. SCR Civ 32(d) (4).
Defects of notice	Objection must be served promptly. SCR Civ 32(d) (1).
Disqualification of officer	Objection must be made before taking of deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence. SCR Civ 32(d) (2).
Form of written questions	Objections to form must be served within the time allowed for serving the succeeding cross or other questions and within five days after service of the last questions authorized. SCR Civ 32(d) (3).
Errors and irregularities	Objection must be seasonably made to errors and irregularities that may be corrected at the taking of the deposition. SCR Civ 32(d) (3).
OBJECTIONS to Interrogatories to Parties	Within time allowed for answers to interrogatories. SCR Civ 33(a).

OBJECTIONS to Instructions	Before jury retires to consider verdict. SCR Civ 51.
OBJECTION to Order or Rulings of Court	Must be made at the time the order or ruling is made, unless there is no opportunity to do so. SCR Civ 46.
OFFER of Judgment	Must be served more than 10 days before trial. SCR Civ 68. Acceptance must be served within 10 days after service of the offer. SCR Civ 68.
PLEADING	
Amendment of	Once as a matter of course before responsive pleading is served or within 20 days if no response is permitted and action has not been placed on trial calendar. SCR Civ 15(a). By leave of court or written consent of adverse parties, at any time. SCR Civ 15(a). During trial or after judgment to conform to proof. SCR Civ 15(b). If pleading is dismissed or stricken with leave to amend, an amended pleading must be filed within 20 days unless otherwise provided by the court. SCR Civ 15(a).
Averments of Time and Place	Are material for purposes of testing sufficiency of pleading. SCR Civ 9(f).
PROCESS	
Motion to amend	No limit. SCR Civ 4(h).
PRODUCTION of documents	
Request for, service of	On plaintiff any time after commencement of action. On defendant with or after service of summons and complaint upon him. SCR Civ 33(a). May accompany notice of taking of deposition. SCR Civ 30(b) (5).
Response to request	Within 30 days after service of the request except that a defendant need not respond until 45 days after service of the summons and complaint upon him. SCR Civ 34(b).
Time of inspection	As reasonably specified in the request. SCR Civ 34(b).
Subpoena duces tecum	<i>See</i> "Subpoena".
REFERENCES and Referees	Hearings by master as fixed by order of reference; otherwise as fixed by master. SCR Civ 53(c). Fixing first meeting of parties or attorneys forthwith which time shall be within 20 days after order of reference. SCR Civ 53(d) (1). Order of reference furnished to master by clerk forthwith. SCR Civ 53(d) (1).

	Forthwith mailing of notice of filing of master's report. SCR Civ 53(e) (1).
	Application to court for action upon objections thereto shall be by motion and upon notice as prescribed by Rules 12-1 and 6(d). SCR Civ 53(e) (2).
	Objections served within 10 days after notice of filing of report. SCR Civ 53(e) (2).
REPLY to answer	Only if ordered by court—Rule 7(a)—20 days after service of order unless otherwise ordered. SCR Civ 12(a).
	60 days for United States after service on U.S. Attorney of order for answer. SCR Civ 12(a).
REPLY to Counterclaim	20 days after service of answer. SCR Civ 12(a).
	60 days for United States after service on U.S. Attorney. SCR Civ 12(a).
RESPONSIVE Pleading to Amended Pleading	10 days after service of amended pleading or within time remaining for response to original pleading whichever is longer unless the court otherwise orders. SCR Civ 15(a).
RESPONSIVE Pleading to Supplementary Pleading	As ordered by the court. SCR Civ 15(d).
RESTRAINING Order, Temporary Without Notice	Expires within 10 days or such shorter time as fixed by court unless extended for a like period or unless adversary consents to a longer extension. SCR Civ 65(b).
Motion to dissolve	Two days notice or such shorter time as court may fix. SCR Civ 65(b).
RETURN	No limit for motion to amend return. SCR Civ 4(h).
	Prompt proof of service required not later than time fixed for response. SCR Civ 4(g).
SERVICE	
Affidavits	Affidavits in support of motions or opposition to motions shall be served contemporaneously unless court otherwise orders. SCR Civ 6(d).
Affidavits opposing new trial	10 days after service of motion for new trial which may be extended for an additional period not exceeding 20 days. SCR Civ 59(c).
Answer	Serve within 20 days after service of summons and complaint except where court directs otherwise or D.C. law or court rule so provides and substitute service is permitted by statute or court order under Rule 4(e). SCR Civ 12(a).
	60 days after service upon U.S. Attorney in action against United States or any officer or agent thereof. SCR Civ 12(a).
	The time for responsive pleading is altered by

	service of motions presenting defenses and objections. SCR Civ 12(a).
Answer to cross-claim	Within 20 days after service of pleading stating cross-claim. SCR Civ 12(a). Within 60 days for United States. SCR Civ 12(a).
Answer to interrogatories to parties	Within 30 days after service of the interrogatories except that a defendant need not respond until 45 days after service of the summons and complaint upon him. SCR Civ 33(a).
Complaint	Must be served with the summons.
Cross questions	Within 30 days after service of questions. SCR Civ 31(a).
Redirect questions	Within 10 days after service of cross questions. SCR Civ 31(a).
Recross questions	Within 10 days after service of redirect questions. SCR Civ 31(a).
Demand for jury trial	At any time after commencement of action and not later than 10 days after service of last pleading directed to the issue as to which jury is demanded. SCR Civ 38(b). Adverse party, within 10 days after service of jury demand or such lesser time as the court may order, may serve a demand for jury trial on other issues. SCR Civ 38(c).
Mailing	Service of a notice or other paper by mail adds three days to period computed from time of such service. SCR Civ 6(e).
Motion for leave to file supplemental pleading	Reasonable notice as directed. SCR Civ 15(d).
Motion for more definite statement	Before filing responsive pleading. SCR Civ 12(e).
More definite statement	Within 10 days after notice of order unless court fixes a different time. SCR Civ 12(e).
Motion for new trial	Not later than 10 days after entry of judgment. SCR Civ 59(b). Time may not be enlarged. SCR Civ 6(b).
Motion to strike pleading	Before filing responsive pleading or within 20 days after service of pleading if no responsive pleading required. SCR Civ 12(f).
Motion for summary judgment	At least 10 days before date fixed for hearing. SCR Civ 56(c). Adverse party may serve opposing affidavits prior to day of hearing. SCR Civ 56(a). Any party opposing motion may, within 10 days after service of motion upon him, serve and file a statement of genuine issues setting forth all material facts as to which it is contended there

	exists a genuine issue necessary to be litigated. SCR Civ 12-1(k).
Motion setting up defenses in general	Before responsive pleading. SCR Civ 12(b).
Notice of application for action on master's report or objections thereto	Within five days before time fixed for hearing. SCR 53(e) (2).
Notice of application for default judgment	Within three days before hearing. SCR Civ 55(b) (2).
Notice of motion to dissolve or modify temporary restraining order	Two days notice, or such shorter notice as the court may prescribe. SCR Civ 65(b).
Notice of entry of order or judgment	Immediately by clerk. However, this only applies to orders or judgments signed out of the presence of parties or their counsel. SCR Civ 77(d).
Notice to take depositions before action	At least 20 days before hearing. SCR Civ 27(a) (2). Pending appeal, the same notice and service requirements apply as if the action was pending in the court. SCR Civ 27(b).
Objections to form of questions	Within time allowed for succeeding questions and within five days after service of last questions authorized. SCR Civ 32(d) (3) (c).
Objections to notice to take depositions	Promptly. SCR Civ 32(d) (1).
Objections to interrogatories to parties	Within time for answering interrogatories. SCR Civ 33(a).
Objections to master's report	Within 10 days after service of notice of filing of master's report, and application shall be by motion and upon notice as prescribed in Rules 12-I and 6(d).
Offer of judgment	More than 10 days before trial begins: Acceptance of offer must be served within 10 days after service of offer. SCR Civ. 68.
Proof of service of process	Prompt proof required. SCR Civ 4(g).
Requests for admissions	On plaintiff any time after commencement of action and on defendant, with or after service of summons and complaint upon him. SCR Civ 36(a).
Reply to answer	Only if ordered by court. SCR Civ 7. 20 days after service of order unless otherwise fixed: 60 days for United States.
Reply to counterclaim	Within 20 days after service of answer: 60 days for United States after service on U.S. Attorney. SCR Civ 12(a).
Response to requests for admissions	Within 30 days after service of the request, except that a defendant is not required to respond before the expiration of 45 days after service of the summons and complaint upon

	him. The court may order shorter or longer time. SCR Civ 36(a).
Responsive pleading after motion granted or denied	Within 10 days after notice of denial of motion. SCR Civ 12(a). Within 10 days after service of a more definite statement. SCR Civ 12(a). Different times may be fixed by the court. SCR Civ 12(a).
Responsive pleading to amended pleading	Within 10 days after service of amended pleading or within the time remaining for response to original pleading, whichever is longer. The court may prescribe different times. SCR Civ 15(a). If a pleading is dismissed or stricken with leave to amend, an amended pleading must be served within 20 days unless otherwise provided by the court. SCR Civ 15(a).
Responsive pleading to amended pleading Summons	As ordered by the court. SCR Civ 15(d). No time prescribed, but unreasonable delay may permit statute of limitations to run or warrant dismissal for want of prosecution. SCR Civ 3. Valid for 20 days. SCR Civ 4(g).
STAY or supersedeas	Effective when supersedeas bond approved by the court. SCR Civ 62(d).
SUBPOENA	
Motion to quash	Promptly, and in any event, at or before the time specified for compliance. SCR Civ 45(b).
Objection to inspection and copying of documents	Objection to the inspection and copying of documents and things called for by a subpoena duces tecum must be served within 10 days after service of the subpoena or on or before the time specified for compliance in the subpoena if this is less than 10 days. SCR Civ 45(d) (1).
SUBSTITUTION of parties	In case of death of party, within 90 days of suggestion of death on the record. SCR Civ 25(a). Successor of public officer substituted automatically. Order of substitution may be entered at any time. SCR Civ 25(d). Time may be enlarged. SCR Civ 6(b).
SUMMONS	Issues forthwith. SCR Civ 4(a). No time prescribed for service but undue delay may permit statute of limitations to run or warrant dismissal for want of prosecution. SCR Civ 3. Valid for 20 days. SCR Civ 4(g).
SUPPLEMENTAL pleadings	No time limit on motions. SCR Civ 15(d).

TERM

The Superior Court shall be deemed always open for the purpose of filing any pleading or proper paper, of issuing and returning mesne and final process, and making and directing all interlocutory motions, orders, and rules. SCR Civ 77(a).

Terms of court are abolished. The Superior Court shall be in continuous session. SCR Civ 6-1.

THIRD party Practice

Leave is unnecessary if the third party complaint is filed not later than 10 days after service of the original answer. SCR Civ 14(a).

If third party complaint is filed more than 10 days after service of the original answer, leave of court must be had on motion upon notice to all parties. SCR Civ 14(a).

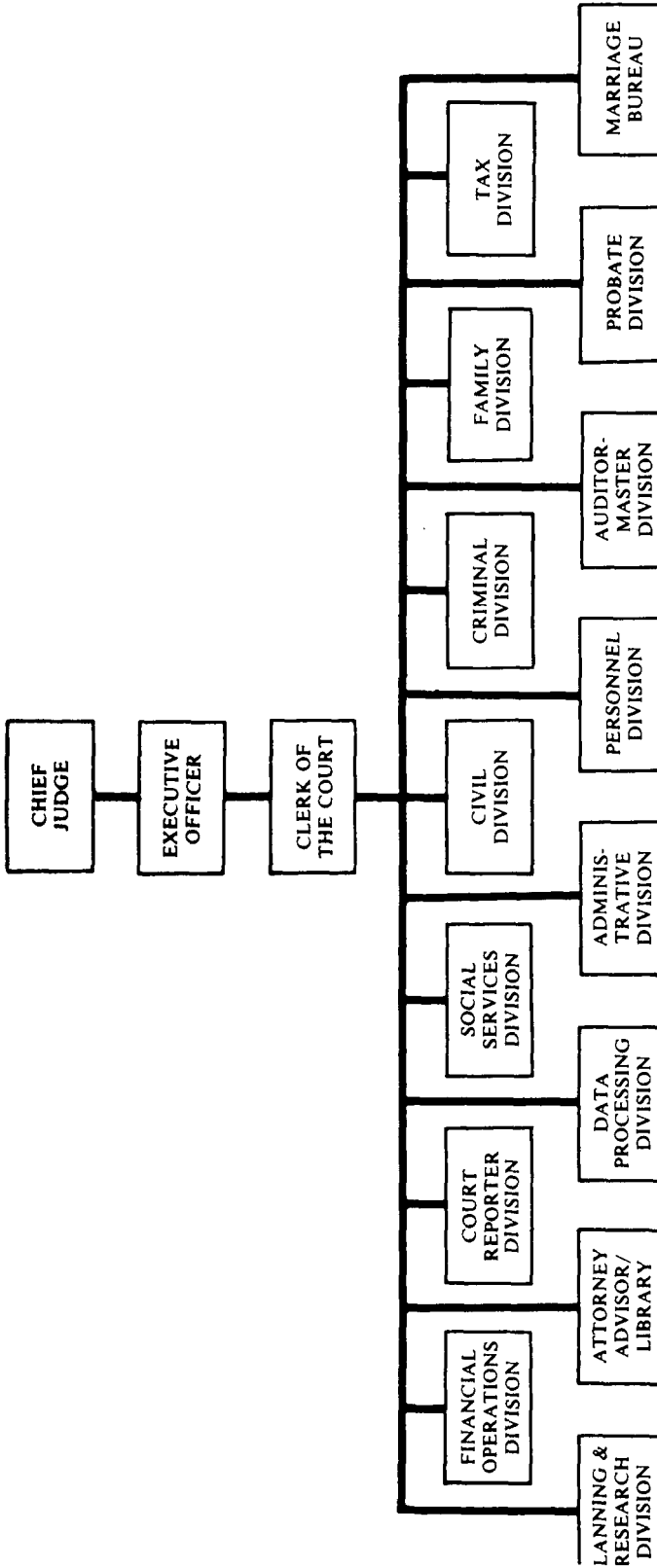
When a counterclaim is asserted against a plaintiff, he may cause a third party to be brought in under the same circumstances which would entitle a defendant to do so. SCR Civ 14(b).

VERDICT, motion to set aside

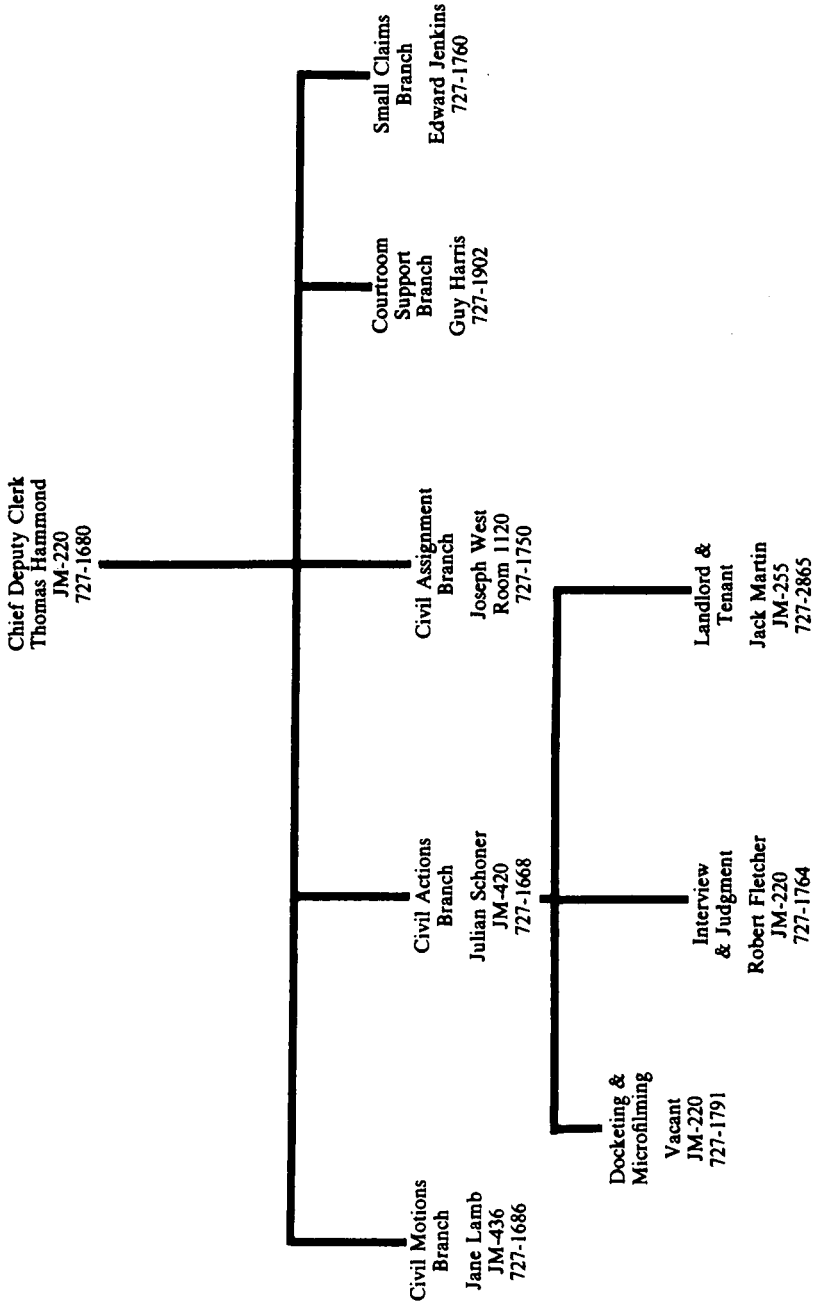
Within 10 days after entry of judgment by party who had moved for directed verdict. SCR Civ 50(b).

Time may not be enlarged. SCR Civ 6(b).

APPENDIX E
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA



CIVIL DIVISION: SUPERIOR COURT OF THE DISTRICT OF COLUMBIA



APPENDIX F*After Hours, Weekend and Holiday Filing*

Attorneys may effectuate the filing of papers with the Civil Division after hours, weekends, and on holidays by delivering them to a Security Officer stationed at or near the main entrance to the courthouse on Indiana Street. The papers will be marked "received," dated and forwarded to the proper office the next work day. *If* the papers are deemed to be in proper order, the Clerk will mark them as filed the same date they were received by the Security Officer. If the papers are not in proper order, the Clerk will not file-stamp the papers with the date of receipt and they will be returned to the party for later filing.

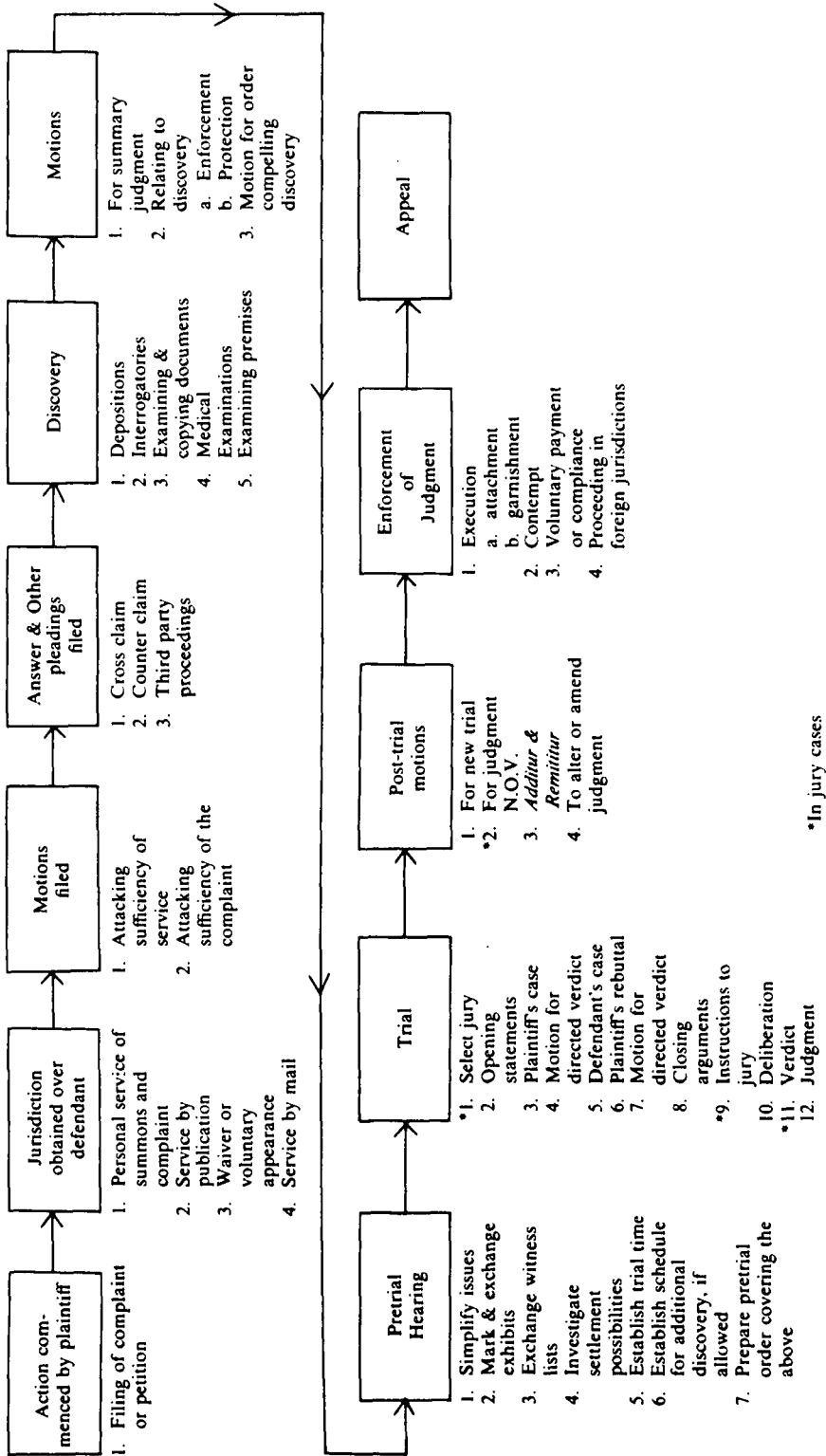
Civil Clerk's Hours
(SCR-Civ. 77-1)

9 a.m.-4:30 P.M. M-F
9 a.m.-12 noon Saturday
Closed Sunday and legal
holidays

Superior Court Hours
(SCR-Civ. 77(a))

The Superior Court is deemed always open for the purpose of filing any pleading or paper, issuing and returning mesne or final process, and making and directing all interlocutory motions, orders, and rules.

APPENDIX G
TYPICAL PROGRESSION OF CIVIL LITIGATION



*In jury cases

NOTES

