

SUPPLEMENT TO GENERAL ORDER ON TRIAL PROCEDURES
JUDGE JENNIFER A. DI TORO
CIVIL CALENDAR
UPDATED September 2016

I. GENERAL INFORMATION

Judge: Jennifer A. Di Toro

Chambers: 500 Indiana Avenue, N.W.
Room 1510
Washington, DC 20001

Phone: (202) 879-1695

Fax: (202) 879-1962

Email Address: JudgeDitoroEServe@dcsc.gov

Judicial Admin. Asst.: Veronica Miller
Veronica.Miller@dcsc.gov

Law Clerk: Nicole Conte
Nicole.Conte@dcsc.gov

Courtroom Clerk: Shawnese Stevens

Courtroom: A-47 (Building A)
515 Fifth Street, N.W.
Washington, DC 20001

Courtroom phone: (202) 879-2847

II. COMMUNICATIONS WITH CHAMBERS

Judge Di Toro's staff may not and will not provide advice of any kind about court rules, practices, or procedures. Judge Di Toro does not accept letters from parties or lawyers about a case. If a party needs clarification of any rule, practice, or procedure, it should file a motion. All parties to an action should be copied on all email communication with Chambers. ***Please include your email address on all pleadings***

III. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set in Superior Court Rule of Civil Procedure 16(b), Judge Di Toro will approve a Civil Action Form 113 (Praecipe Requesting Schedule Order) submitted up to 5:00 p.m. two days prior to the scheduling conference date. In cases in which all parties are represented by counsel and there are no pending motions or other matters requiring the Court's attention, Judge Di Toro strongly encourages attorneys to consult with opposing counsel and

submit a CA Form 113 rather than appearing in court for a scheduling conference. Parties may call chambers with regard to emergency scheduling changes, provided all parties are involved.

IV. MOTIONS

Counsel should be aware that unless a pleading is entitled “motion” chambers will not know it has been filed. Documents which are filed as “Praecipe” or “Affidavits” will be docketed without chambers knowledge. If a party requests action by the Court in a pleading, such as a request for attorney’s fees, it should be labeled as a motion. Parties should alert Chambers to any motions which are time-sensitive; otherwise, motions will be handled in due course. Judge Di Toro tries to rule on motions expeditiously; if a motion has not been decided more than 30 days after responsive pleadings are due, Parties are invited to inquire with Chambers about the status of the unresolved motions.

Consent to motions: Judge Di Toro strictly enforces the requirement in Rule 12-I(a) that, *before* a party files a motion, it *must seek the consent* of the other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, Judge Di Toro may summarily deny the motion. The Rule 12-I(a) certification should include a *description of the efforts made to obtain the opposing party’s position*. The title of the motion should indicate whether it is a consent motion. Motions which are labeled “consent motions” will be ruled on without waiting for any response by opposing counsel.

Proposed order: Judge Di Toro strictly enforces the requirement in Administrative Order 06-17 that a party filing a motion **must** submit electronically to JudgeDitoroEServe@dcsc.gov a proposed order in **Microsoft Word**. If a party does not submit a proposed order in such format, Judge Di Toro may summarily deny the motion.

Length of filings: Judge Di Toro discourages memoranda more than ten pages long. Pursuant to the General Order, parties must deliver to chambers **a hard copy of all filings in excess of 25 pages**. If a party fails to comply with these rules, Judge Di Toro may summarily deny the motion, and if the party chooses to re-file the motion with a proposed order, it will pay another \$20 filing fee.

Reply briefs: Parties who wish to file a reply brief to oppositions should promptly inform chambers of their intention to do so, otherwise the Judge Di Toro may rule on pending motions once the opposition is filed. No party may submit a reply to an opposition more than five pages long without leave of Judge Di Toro.

Motions for leave to file: A party seeking leave to file a document must submit a copy of the proposed filing with the motion.

Motions to Amend: A party seeking leave to amend a complaint, answer, counterclaim, or other pleading should detail the precise changes made in the proposed amended filing.

Motions for extension of time: Stipulations between parties or lawyers are not effective to change deadlines set by the Court. To extend any such deadline, a party must file a motion requesting the extension, except for as provided under Superior Court Civil Rule 16(b)(6).

Except in extraordinary circumstances involving unforeseen and unforeseeable events, all motions seeking to extend a deadline or continue a hearing date must be filed **at least 3** business days before that date. Any motion to reschedule a hearing must suggest alternative dates and times that are convenient to both parties.

E-Filed Motions: It takes time for e-filed motions and other filings to reach Chambers. It generally takes 1-2 business days for the Clerk's Office to process filings. If a party has a question about the status of a pending motion, it should check online at www.dccourts.gov/pa or contact the Clerk's Office at (202) 879-1133.

Emergency motions: Judge Di Toro expects parties to request expedited action only in truly urgent situations. Parties filing emergency motions should notify chambers when they file the motion by sending an email to JudgeDitoroEserve@dcsc.gov and the other parties, with a copy of the motion and the proposed order (in an editable format) attached.

V. DISCOVERY

Judge Di Toro strictly enforces the requirements in Civil Rules 26(i) and 37(a) that the parties meet for a reasonable period of time in an effort to resolve or narrow any discovery-related dispute and that discovery-related motions include a certification concerning such a meeting. If a party submits such a motion without such a certification, Judge Di Toro may summarily deny the motion. Motions regarding discovery disputes will more likely than not result in a hearing. Before filing a motion related to a discovery dispute, the moving party must communicate with the opposing party(s) to suggest available dates and times for a court hearing.

VI. SCHEDULING AND SETTLEMENT CONFERENCES

Scheduling and calendars: Any party or lawyer who attends a hearing where matters can reasonably be expected to be scheduled shall bring a calendar. If the person does not have his or her schedule immediately available, Judge Di Toro will set a schedule, and the party may later file a motion to modify the schedule if the party so chooses and pay the \$20 filing fee.

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in person. Judge Di Toro may allow such principals from outside the Washington metropolitan area to participate by telephone. Any request to excuse a non-party principal from personal attendance should be made by motion **at least two weeks** before the date of the conference.

VII. TRIALS

A. Pretrial and trial procedures

Joint pretrial statements: Counsel and parties are reminded that Superior Court Rule of Civil Procedure 16(e) requires the filing of a joint pretrial statement no later than one week prior to the pretrial conference. Judge Di Toro may *sua sponte* cancel and continue a pretrial conference if the parties have not timely filed the joint pretrial statement.

Trial status update: On the Wednesday preceding a trial date, the parties jointly or, if mutually agreed on, through one party making a joint representation, shall call chambers and inform chambers whether the parties expect to proceed on the scheduled trial date.

Schedule: Judge Di Toro schedules trials to begin on Mondays at 9:15 a.m. Counsel need to be in the Courtroom by 9:15 a.m. Trials generally proceed Monday through Thursday from 9:30 a.m. to 4:45 p.m. Judge Di Toro generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m.

Mid-trial issues: If an issue arises during trial, Judge Di Toro encourages parties to raise it by sending an email by 8:30 a.m. of the next trial day to Nicole.Conte@dcsc.gov and Veronica.Miller@dcsc.gov, with a copy to all other parties.

Exhibit index: On the first day of trial, each party must give to the courtroom clerk an exhibit summary form. Parties may obtain this form from the Clerk's Office or at <http://www.dccourts.gov/internet/documents/dcsc15r1-06.pdf>.

Custody of exhibits: During trial, the parties may leave exhibits admitted into evidence in the courtroom. After trial and until any appeal has ended or the time to appeal has run with no notice of appeal filed, each party is responsible for maintaining exhibits and other materials that it wishes to include in the record on appeal.