

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**Notice of Proposed Amendments to  
Rule 12, 28-I, and 73 of the Rules of Civil Procedure**

The District of Columbia Superior Court Rules Committee recently completed review of proposed amendments to Rule 12, 28-I, and 73 of the Superior Court Rules of Civil Procedure. The Rules Committee will recommend to the Superior Court Board of Judges that the amendments be approved and adopted unless, after consideration of comments from the Bar and the general public, the proposed amendments are withdrawn or modified.

Written comments must be submitted by 5:00 pm ET on December 30, 2024. Comments may be emailed to [Pedro.Briones@dccsystem.gov](mailto:Pedro.Briones@dccsystem.gov) or may be mailed to:

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All comments submitted in response to this notice will be available to the public. New language is underlined, and deleted language is stricken through.

**[CIVIL] Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing**

(a) TIME TO SERVE A RESPONSIVE PLEADING.

~~(1) *In General.*~~ Unless another time is specified by ~~this rule or~~ an applicable statute, the time for serving a responsive pleading is as follows:

(1) *In General.*

(A) A defendant must serve an answer within 21 days after being served with the summons and complaint.

(B) A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.

(C) A party must serve a reply to an answer within 21 days after being served with an order to reply, unless the order specifies a different time.

(2) *The United States or the District of Columbia and the Agencies, Officers, or Employees of Either Sued in an Official Capacity.* The United States or the District of Columbia or an agency, officer, or employee of either sued only in an official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the United States attorney (in suits involving the United States) or the Attorney General for the District of Columbia (in suits involving the District of Columbia).

(3) *United States or District of Columbia Officers or Employees Sued in an Individual Capacity.* A United States or District of Columbia officer or employee sued in an individual capacity for an act or omission occurring in connection with the duties performed on the United States' or the District of Columbia's behalf must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the officer or employee or service on the United States attorney (in suits involving the United States) or the Attorney General for the District of Columbia (in suits involving the District of Columbia), whichever is later.

(4) *Effect of a Motion.* Unless the court sets a different time, serving a motion under this rule alters these periods as follows:

(A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the court's action; or

(B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.

(5) *Entry of Default.* Unless the time to respond to the complaint has been extended as provided in Rule 55(a)(3) or the court orders otherwise, failure to comply with the requirements of this rule will result in the entry of a default by the clerk or the court sua sponte.

(b) HOW TO PRESENT DEFENSES. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

- (1) lack of subject-matter jurisdiction;
- (2) lack of personal jurisdiction;
- (3) [Omitted];
- (4) insufficient process;
- (5) insufficient service of process;

- (6) failure to state a claim upon which relief can be granted;
- (7) failure to join a party under Rule 19.

A motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed. If a pleading sets out a claim for relief that does not require a responsive pleading, an opposing party may assert at trial any defense to that claim. No defense or objection is waived by joining it with one or more other defenses or objections in a responsive pleading or in a motion.

(c) **MOTION FOR JUDGMENT ON THE PLEADINGS.** After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.

(d) **RESULTS OF PRESENTING MATTERS OUTSIDE THE PLEADINGS.** If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

(e) **MOTION FOR A MORE DEFINITE STATEMENT.** A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired. If the court orders a more definite statement and the order is not obeyed within 14 days after notice of the order or within the time the court sets, the court may strike the pleading or issue any other appropriate order.

(f) **MOTION TO STRIKE.** The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

- (1) on its own; or
- (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

(g) **JOINING MOTIONS.**

(1) *Right to Join.* A motion under this rule may be joined with any other motion allowed by this rule.

(2) *Limitations on Further Motions.* Except as provided in Rule 12(h)(2) or (3), a party that makes a motion under this rule must not make another motion under this rule raising a defense or objection that was available to the party but omitted from its earlier motion.

(h) **WAIVING AND PRESERVING CERTAIN DEFENSES.**

(1) *When Some Are Waived.* A party waives any defense listed in Rule 12(b)(2)–(5) by:

- (A) omitting it from a motion in the circumstances described in Rule 12(g)(2); or
- (B) failing to either:
  - (i) make it by motion under this rule; or
  - (ii) include it in a responsive pleading or in an amendment allowed by Rule 15(a)(1) as a matter of course.

(2) *When to Raise Others.* Failure to state a claim upon which relief can be granted, to join a person required by Rule 19(b), or to state a legal defense to a claim may be raised:

- (A) in any pleading allowed or ordered under Rule 7(a);
- (B) by a motion under Rule 12(c); or

(C) at trial.

(3) *Lack of Subject-Matter Jurisdiction*. If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.

(i) HEARING BEFORE TRIAL. If a party so moves, any defense listed in Rule 12(b)(1)–(7)—whether made in a pleading or by motion—and a motion under Rule 12(c) must be heard and decided before trial unless the court orders a deferral until trial.

#### COMMENT TO 2025 AMENDMENTS

Section (a) of this rule has been amended consistent with the 2024 amendments to Federal Rule of Civil Procedure 12, which was amended to make clear that a statute that specifies another time supersedes the times to serve a responsive pleading set by subsections (a)(2) and (3).

#### COMMENT TO 2017 AMENDMENTS

This rule is identical to *Federal Rule of Civil Procedure 12*, as amended in 2007 and 2009, except for: 1) the substitution of “applicable statute” for “federal statute” in subsection (a)(1); 2) the deletion of inapplicable federal limitation periods in subsection (a)(1)(A); 3) the addition of references to “the District of Columbia” in subsections (a)(2) and (a)(3); 4) the retention of subsection (a)(5) regarding the automatic entry of default against a defendant who does not timely respond to the complaint; and 5) the omission of subsection (b)(3), which deals with improper venue and is not applicable in the District of Columbia.

#### COMMENT

SCR-Civil 12(a) is rearranged to reflect the format established by the federal rule revisions of December 1993. Federal limitation periods are altered to comport with those in the existing Superior Court rule. Additionally, a paragraph (5) has been added to preserve the existing Superior Court rule of automatic entry of default against a defendant who does not timely respond to the complaint.

## **[CIVIL] Rule 28-I. Interstate Depositions and Discovery Procedures**

(a) IN GENERAL. In seeking to conduct interstate depositions and discovery, parties may proceed under any of the following provisions.

(b) INTERSTATE DEPOSITIONS AND DISCOVERY PROCEDURES UNDER THE UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, D.C. CODE §§ 13-441 to -449~~8~~.

### (1) *Issuance of Subpoena.*

(A) To request a subpoena under D.C. Code § 13-443 ~~(2012 Repl.)~~, a party must submit a foreign subpoena to the clerk and the written affirmation required by Rule 28-I(b)(2)(A). A request for the issuance of a subpoena under the Uniform Interstate Depositions and Discovery Act does not constitute an appearance in the courts of the District of Columbia.

(B) When a party submits a foreign subpoena to the clerk, the clerk, in accordance with these rules, must promptly issue a subpoena for service on the person to whom the foreign subpoena is directed.

(C) A subpoena under Rule 28-I(b)(1)(B) must:

- (i) incorporate the terms used in the foreign subpoena; and
- (ii) contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

### (2) *Affirmation of Noninterference with Bodily Autonomy.*

(A) A party or the party's counsel requesting issuance of a subpoena under Rule 28-I(b)(1) must submit a written statement, signed by the party seeking enforcement or the party's counsel, swearing or affirming under penalty of perjury that no portion of the foreign subpoena is intended or anticipated to further any investigation or proceeding of a type described in D.C. Code § 2-1461.01(a).

(B) A foreign subpoena not conforming to the requirements of Rule 28-I(b)(2)(A) will not be accepted for filing.

(C) If a party or the party's counsel refuses to provide the Affirmation of Noninterference with Bodily Autonomy, the clerk must send to the person to whom the foreign subpoena is directed, by first class mail at the address shown in the subpoena, a copy of the foreign subpoena and a notice that it is not recognized as a valid foreign subpoena because it does not include the affirmation required by Rule 28-I(b)(2)(A).

(3) *Service of Subpoena.* A subpoena issued by a clerk under Rule 28-I(b)(1) must be served in compliance with D.C. Code § 11-942 ~~(2012 Repl.)~~ and Rule 45.

~~(34)~~ *Deposition, Production, and Inspection.* The rules applicable to compliance with subpoenas to attend and give testimony, produce designated books, documents, records, electronically stored information, or tangible things, or permit inspection of premises apply to subpoenas issued under Rule 28-I(b)(1).

~~(45)~~ *Motions Regarding Subpoena.* A motion for a protective order or to enforce, quash, or modify a subpoena issued by a clerk under Rule 28-I(b)(1) must comply with these rules and the laws of the District of Columbia and must be submitted to the Superior Court.

(c) ASSISTANCE TO TRIBUNALS AND LITIGANTS OUTSIDE THE DISTRICT OF COLUMBIA UNDER D.C. CODE § 13-434.

(1) *By Court Order.* Upon application by any interested person or in response to letters rogatory issued by a tribunal outside the District of Columbia, the Superior Court may order service on any person who is domiciled or can be found within the District of Columbia of any document issued in connection with a proceeding in a tribunal outside the District of Columbia. The order must direct the manner of service.

(2) *Without Court Order.* Service in connection with a proceeding in a tribunal outside the District of Columbia may be made inside the District of Columbia without an order of the court.

(3) *Effect.* Service under Rule 28-1(c) does not, of itself, require the recognition or enforcement of an order, judgment, or decree rendered outside the District of Columbia.

(d) COMMISSIONS OR NOTICES FOR TESTIMONY UNDER D.C. CODE § 14-103.

When a commission is issued or notice given to take the testimony of a witness found within the District of Columbia, to be used in an action pending in a court of a state, territory, commonwealth, possession, or a place under the jurisdiction of the United States, the party seeking that testimony may file with this court a certified copy of the commission or notice. Upon approval by the judge in chambers of the commission or notice and the proposed subpoena, the clerk must issue a subpoena compelling the designated witness to appear for deposition at a specified time and place. Testimony taken under Rule 28-1(d) must be taken in the manner prescribed by these rules, and the court may entertain any motion, including motions for quashing service of a subpoena and for issuance of protective orders, in the same manner as if the action were pending in this court.

#### COMMENT TO 2025 AMENDMENTS

Section (b) of the rule has been amended to implement the Human Rights Sanctuary Amendment Act of 2022, D.C. Law L24-0257, § 201, 70 D.C. Reg. 2929 (2023), D.C. Code §§ 13-443, -449, which amended the Uniform Interstate Depositions and Discovery Act to restrict enforcement of foreign subpoenas in interstate investigations and proceedings that interfere with the right of bodily autonomy under section 101(a) of the Act, D.C. Code § 2-1461.01(a). New subsection (b)(2) implements the Act's affirmation requirement, D.C. Code §13-449. Former subsections (b)(2), b(3), and b(4) have been redesignated (b)(3), (b)(4), and (b)(5), respectively. Section (b) has also been amended to conform with the general restyling of the Superior Court rules.

To the extent the Human Rights Sanctuary Amendment Act of 2022 includes procedural rules, the Court has adopted them pursuant to its exclusive rulemaking authority under D.C. Code § 11-946. See *Woodroof v. Cunningham*, 147 A.3d 777 (D.C. 2016).

#### COMMENT TO 2017 AMENDMENTS

This rule was amended to include the procedures for filing under the Uniform Interstate Depositions and Discovery Act (D.C. Code §§ 13-441 to -448 (2012 Repl.)) and D.C. Code § 13-434 (2012 Repl.). The process for obtaining a commission or notice under D.C. Code § 14-103 (2012 Repl.) has been retained from the prior version of the rule, but the provisions related to appointment of an examiner to take testimony of

a witness outside the District of Columbia have been moved to new Rule 28-II. Stylistic changes were also made to this rule to conform with the 2007 amendments to the Federal Rules of Civil Procedure.

#### COMMENT

Paragraphs (c) and (b) of Rule 28-I implement the authority conferred on the Superior Court by § 14-103 and § 14-104, respectively.

## **[CIVIL] Rule 73. Magistrate Judges: Trial by Consent; Appeal**

### **(a) TRIAL BY CONSENT; POWERS; PROCEDURE.**

(1) *In General.* When authorized under D.C. Code § 11-1732 (a) and (j)(5) ~~(2017 Supp.)~~ and specifically designated to exercise such jurisdiction by the Chief Judge, a magistrate judge may, if all parties consent, conduct any or all uncontested or contested proceedings, determine nondispositive and dispositive pretrial matters, make findings and enter final judgments and orders in a civil case. Rule 62 applies to judgments entered by a magistrate judge. A record of the proceedings must be made in accordance with Rule 201.

(2) *Limitations on Power.* A magistrate judge may not preside over a jury trial or exercise the contempt power.

(3) *Waiver of Consent.* A party who fails ~~both~~ to file an answer, if an answer is required, ~~and/or~~ to otherwise appear in an action, is deemed to have consented that a magistrate judge conduct all proceedings in the case.

(4) *Vacating a Referral.* On its own for good cause—or when a party shows extraordinary circumstances—the court may vacate a referral to a magistrate judge under this rule.

### **(b) APPEALING A JUDGMENT.**

(1) *Initial Judicial Review.* Judicial review of a final order or judgment entered on the direction of a magistrate judge is available:

(A) on motion of a party to the Superior Court judge designated by the Chief Judge to conduct such reviews; or

(B) on the initiative of the judge so designated.

(2) *Further Appeal.* After the Superior Court judge completes judicial review, a party may appeal to the District of Columbia Court of Appeals.

(3) *Standard of Review.* The Superior Court judge reviewing a magistrate judge's final order or judgment must apply the same standard of review used by the District of Columbia Court of Appeals when reviewing a judgment or order of the Superior Court.

#### **(4) On Motion**

(A) *Motion Requirements.* The motion for review must:

(i) be filed and served within 14 days after entry of the order or judgment;

(ii) designate the order or judgment, or part of the order or judgment, for which review is sought; and

(iii) specify the grounds for objection to the magistrate judge's order or judgment, or part of the order or judgment.

(B) *Answer to Motion.* Within 14 days after being served with the motion for review, a party may file and serve a response.

(C) *Judicial Review.* The judge designated by the Chief Judge must review those portions of the magistrate judge's order or judgment to which objection is made. The judge may decide the motion for review with or without a hearing and may affirm, reverse, modify, or remand, in whole or in part, the magistrate judge's order or judgment.

(5) *Review on Initiative of the Court.* Not later than 30 days after entry of a magistrate judge's final order or judgment, the judge designated by the Chief Judge may sua sponte review the order or judgment in whole or in part. After giving the parties due notice and opportunity to make written submissions on the matter, the judge, with or



without a hearing, may affirm, reverse, modify, or remand, in whole or in part, the magistrate judge's order or judgment.

(6) *Termination of Time for Filing Motion for Review.* The running of the time for filing a motion for review or for a judge to undertake review on the judge's own initiative is terminated as to all parties by the timely filing of any of the following motions with the magistrate judge by any party, and the full time for review from the judgment entered by the magistrate judge commences to run anew from entry of the order disposing of the last such remaining motion:

(A) for judgment as a matter of law;

(B) to amend or make additional factual findings, whether or not granting the motion would alter the judgment;

(C) to vacate, alter, or amend the order or judgment;

(D) for a new trial; or

(E) for relief from a judgment or order if the motion is filed no later than 14 days after the judgment is entered.

(7) *Interlocutory Motion for Review.* An interlocutory decision or order by a magistrate judge, which, if made by a judge of this court, could be appealed under any provision of law, may be reviewed by the judge designated by the Chief Judge by filing a motion for review within 14 days after entry of the decision or order. Review of such interlocutory decisions or orders will not stay the proceedings before the magistrate judge unless the magistrate judge or the reviewing judge so orders.

(8) *Extension of Time to File Motion for Review.* On a showing of excusable neglect and notice to the parties, the judge designated by the Chief Judge may, before or after the time prescribed by Rule 73(b)(4)(A)(i) or (b)(7) has expired, extend the time for filing a motion for review of a magistrate judge's order or judgment for a period not to exceed 21 days from the expiration of the time otherwise prescribed by this rule.

(9) *Stay Pending Review.* On a showing that the magistrate judge has refused or otherwise failed to stay the judgment pending review under this rule, the movant may, with reasonable notice to all parties, apply to the judge designated by the Chief Judge for a stay. The stay may be conditioned on the filing of a bond or other appropriate security.

(10) *Dismissal.* For failure to comply with this rule or any other rule or order, the judge may take any action as is deemed appropriate, including dismissal of the motion for review. The judge also may dismiss the motion for review on the filing of a stipulation signed by all parties, or on motion and notice by the movant.

(c) CONTEMPT.

(1) *Show Cause Hearing.* A magistrate judge may order a person to show cause before the Presiding Judge of the Civil Division, or his or her designee, why the person should not be held in civil or criminal contempt for disobedience or resistance to any lawful order, process, or writ issued by the magistrate judge or for any other act or conduct committed before a magistrate judge, which if committed before a Superior Court judge would constitute contempt.

(2) *Show Cause Order Requirements.* An order to show cause why the person should not be held in contempt must:

(A) state the time and place of hearing, allowing a reasonable time for the preparation of the defense; and

(B) state the essential facts constituting the contempt charged and describe it.  
(d) OTHER POWERS. The authority of a magistrate judge in the Civil Division includes the power to:

- (1) refer cases, where a jury demand is filed or a party does not consent to a magistrate judge, previously assigned to a magistrate judge's calendar to the clerk's office for redistribution pursuant to Rule 40-I;
  - (2) issue or quash a bench warrant for parties who fail to appear in court on a magistrate judge's calendar;
  - (3) conduct oral examinations; and
  - (4) rule on the following motions in cases assigned to any magistrate judge's calendar:
    - (A) to continue trial or hearing dates;
    - (B) to extend any period of time prescribed or allowed by these rules or by order of the court; and
    - (C) to enter or withdraw appearances.
- (e) CERTIFICATION. In the interest of justice, the Presiding Judge may, on his or her own initiative or on the recommendation of the magistrate judge presiding over the case, certify a case for assignment to a judge in the Civil Division.

#### COMMENT TO 2025 AMENDMENTS

Subsection (a)(3) of the rule has been amended to allow a finding of implied consent to a magistrate judge whenever a party fails to file an answer, if an answer is required, or the party fails otherwise to appear in an action. Subsection (a)(1) has also been amended to conform with the general restyling of the Superior Court rules.

#### COMMENT TO 2017 AMENDMENTS

This rule has been amended consistent with the 2007 stylistic changes to *Federal Rule of Civil Procedure 73*, but the substance of the Superior Court rule continues to differ substantially from its federal counterpart. The Superior Court rule is based on the requirements of D.C. Code § 11-1732 (2017 Supp.).

Section (e), regarding the Presiding Judge's certification of a case from a magistrate judge to an associate judge, is new to this rule.

#### COMMENT

Although several of the provisions of this Rule are similar to provisions of *Federal Rules of Civil Procedure 73* and *74*, a number of changes have been made to this Court's Rule to reflect the requirements of D.C. Code § 11-1732 and the procedural variances in the use of hearing commissioners and magistrates. Pursuant to D.C. Code § 11-1732, this Rule is applicable to proceedings in all branches of the Civil Division.

Paragraph (a). This paragraph has been modified to reflect the statutory authority of hearing commissioners in the Civil Division of the Superior Court. Unlike magistrates, hearing commissioners may not conduct jury trials. The written consent procedures contained in *Federal Rule of Civil Procedure 73(b)* have not been incorporated into the Superior Court Rule. Under this Rule, a party who neither files an answer nor otherwise

appears will be deemed to have consented to having the matter heard by a hearing commissioner.

Paragraph (b). This paragraph modifies *Federal Rule of Civil Procedure 73(c)* and (d) to reflect the availability of judicial review and appeal of a hearing commissioner's decision pursuant to D.C. Code § 11-1732 (k). As with appeals to a district judge from decisions of magistrates exercising consensual civil jurisdiction under *Federal Rule of Civil Procedure 73*, reviews of decisions of hearing commissioners to Superior Court judges are governed by the same standards that obtain in an appeal from a judgment of a judge to the Court of Appeals. See *Federal Rule of Civil Procedure 74*, Notes of Advisory Committee on Rules, subdivision (a); 28 U.S.C. § 636(c)(4). In accordance with that standard, a hearing commissioner's findings of fact may not be set aside unless clearly erroneous; nor may the commissioner's judgment or order be set aside except for legal error or abuse of discretion. Paragraph (c). This paragraph describes the procedure for review of a hearing commissioner's order or judgment by a judge pursuant to D.C. Code § 11-1732 (k). Subparagraphs (c)(1) and (c)(2) replace the appeal procedure set forth in *Federal Rules of Civil Procedure 74(a)*, *74(b)*, *75*, and *76* with a procedure whereby review is conducted upon the motion of a party filed within 10 days of entry of the hearing commissioner's final order or judgment, or on the initiative of the reviewing judge within 30 days of entry of the hearing commissioner's final order or judgment. The term "final order or judgment" as used in this Rule embraces the final decision concept of D.C. Code § 11-721 (a) and permits review of a hearing commissioner's decisions by a Superior Court judge in those situations in which an appeal from this Court to the Court of Appeals would lie. In lieu of the federal provisions for transcripts and briefs, the Superior Court Rule provides that the motion for review shall designate the grounds for the objection to a hearing commissioner's order, judgment, or part thereof, and shall include a written summary of any evidence presented before the hearing commissioner relating to the grounds for objection.

Subparagraphs (c)(3) and (4) modify the provisions for tolling of the time for appeal and interlocutory appeals contained in *Federal Rule of Civil Procedure 74(a)* to reflect their application to reviews of decisions of hearing commissioners by a judge upon motion of a party. Subparagraph (c)(4), permitting reviews of certain interlocutory orders, embraces the provisions of D.C. Code § 11-721 (d), providing for a certification procedure for otherwise unreviewable orders where "the ruling or order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate [review of the ruling or order] may materially advance the ultimate termination of the litigation...." Although no specific certification procedure is set forth, the Rule contemplates that a hearing commissioner may certify such a motion for review, and the Superior Court judge, in the judge's discretion, may allow the review. In the interest of expediting the trial, interlocutory reviews of any kind will not stay the proceedings unless the hearing commissioner or the judge finds that the nature of the review sought or its relation to the remaining proceedings requires a stay.

Subparagraph (c)(5) modifies the provision for extension of time to file a notice of appeal in *Federal Rule of Civil Procedure 74(a)* to provide that the time to file motions for review may be extended for a period not to exceed 20 days from the date otherwise prescribed by the Rule.

Subparagraphs (c)(6) and (7) modify the stay and dismissal provisions of *Federal Rule of Civil Procedure 74(c)* and (d) to reflect their application to reviews of a hearing commissioner's decision by a judge designated by the Chief Judge.

Paragraph (d). This paragraph has been added to the Superior Court Rule to provide a procedure for the adjudication of contempts committed before a hearing commissioner. Similar to *28 U.S.C. § 636(e)*, this provision allows a hearing commissioner to order a person to show cause before the Presiding Judge of the Civil Division, or his or her designee, why the person should not be held in contempt. For purposes of this Rule, the term "person" includes any person, corporation, or other entity.

Paragraph (e). D.C. Code § 11-1732 (a) authorizes hearing commissioners to perform functions incidental to their authorized duties. Paragraph (e) lists these incidental functions in the Civil Division. Consent of the parties is not required for the exercise of these functions.