

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

RULE PROMULGATION ORDER 24-05

(Amending D.C. Super. Ct. L&T R. 1, 2, 3,
3-I, 3-II, 4, 5, 10, 11, 12-I, 13, 13-I and 14)

WHEREAS, pursuant to D.C. Code § 11-946 (2012 Repl.), the Board of Judges of the Superior Court approved amendments to Rules 1, 2, 3, 3-I, 3-II, 4, 5, 10, 11, 12-I, 13, 13-I and 14 of the Superior Court Rules of Procedure for the Landlord and Tenant Branch; and

WHEREAS, the amendments to these rules do not modify the Federal Rules of Civil or Criminal Procedure; it is

ORDERED, that Rules 1, 2, 3, 3-I, 3-II, 4, 5, 10, 11, 12-I, 13, 13-I and 14 of the Superior Court Rules of Procedure for the Landlord and Tenant Branch are hereby amended as set forth below; and it is further

ORDERED, that the amendments shall take effect thirty days from the date of this order and shall govern all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

Rule 1. Scope and Purpose

These rules govern the procedure in summary proceedings for possession brought in the Landlord and Tenant Branch. When a case brought in the Landlord and Tenant Branch is ~~certified~~transferred to the Civil Actions Branch under Rule 6 or because a party has not consented to having a magistrate judge preside over the case, the case remains subject to these rules ~~except as provided for in Rule 13-I~~. When a case brought in the Landlord and Tenant Branch is ~~certified~~transferred to the Civil Actions Branch under Rule 5(c), the case is subject in all respects to the Superior Court Rules of Civil Procedure.

These rules may be known as the Superior Court Rules of Procedure for the Landlord and Tenant Branch and may be cited as “Super. Ct. L&T R. ____.” They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

COMMENT TO 2024 AMENDMENTS

This rule has been amended consistent with the 2024 amendments to Rule 13-I to eliminate any ambiguity as to the applicability of these rules when a case brought in the Landlord and Tenant Branch is transferred to the Civil Actions Branch under Rule 6 or because a party has not consented to having a magistrate judge preside over the case.

Rule 2. Applicability of Certain Superior Court Rules of Civil Procedure

Except when inconsistent with these rules or the summary nature of landlord and tenant proceedings, the following Superior Court Rules of Civil Procedure are applicable to actions brought in the Landlord and Tenant Branch:

Civil Rules 4(h), 5, 5-I, 5-II, 5-III, 5.1, 5.1-I, 5.2, 6, 6-I, 8, 9, 9-I 10, 10-I, 11, 12(b)-(h), 15, 16, 16-II, 17, ~~19~~, 20, 21, 22, 23, 23-I, 23.2, 24, 25, 38, 38-II, 39, 39-I, 39-II, 40-I, 41, 42, 43, 43-I, 44, 44-I, 44.1, 45, 46, 47, 48, 49, 50, 51, 52, 53, 53-I, 53-II, 54, 54-I, 54-II, 55, 55-I, 55-II, 55-III, 56, 57, 58, 59, 60, 61, 62(b), 63, 63-I, 64, 64-I, 64-II, 65, 65.1, 66, 67, 67-I, 68, 69, 69-I, 69-II, 70, 70-I, 71, 73, 77, 79, 79-I, 80, 82, 83-I, 84, 86, 101, 102, 103, 201, 202, and 203.

The following Superior Court Rules of Civil Procedure apply if discovery is authorized as of right or by court order, under Landlord and Tenant Rule 10: Civil Rules 26, 28, 29, 30, 31, 32, 33, 34, 36, and 37.

COMMENT TO 2024 AMENDMENTS

This rule has been amended to delete the incorporation by reference of Civil Rule 19 into these rules consistent with the 2024 amendments to Landlord and Tenant Rule 13-I. Civil Rule 19 is not generally applicable in Landlord and Tenant cases, but its standard governs joinder under Landlord and Tenant Rule 3-I(b).

COMMENT TO 2019 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. The rule now specifically lists applicable local civil rules with roman numeral designations; the omission of a local civil rule with a roman numeral designation is an indication that the rule is not applicable.

Civil Rule 4(h) has been added to address service on a corporation, partnership, or association.

Rule 3. Commencement of Action

(c) LIMITATIONS ON CLAIMS.

(1) No owner or owner's agent may file a complaint for possession of real property:

(A) for nonpayment of rent in an amount less than \$600;

(B) without a valid rental registration or claim of exemption pursuant to D.C. Code § 42-3502.05-~~(2022)~~; or

(C) without a current license for rental housing issued pursuant to D.C. Code § 47-2828(c)(1)-~~(2022)~~.

(2) *Exceptions.*

(A) Rule 3(c)(1) does not apply to complaints involving commercial property.

(B) Rules 3(c)(1)(B) and (C) do not apply to complaints involving subtenants and units for which a license, registration, or claim of exemption is not legally required.

(C) The court may waive the requirement reflected in Rule 3(c)(1)(C) in accordance with D.C. Code § 16-1501(c)(2)-~~(2022)~~.

COMMENT TO 2024 AMENDMENTS

New subsection (a)(3) has been added to require the complaint and the summons to include the defendant's telephone number and email address, if known to the plaintiff. (The plaintiff is already required by Civil Rule 10-1(b)(1) to provide its own telephone number and email address in the complaint.) It is not intended that the plaintiff's failure to provide the information required by this subsection will lead to the dismissal of the case absent extraordinary circumstances. Former subsection (a)(3) has been redesignated (a)(4). Subsections (c)(1)(B), (c)(1)(C), and (c)(2)(C) have been amended to delete the citation to the D.C. Code year consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 3-I. Properties Subject to Court-Ordered Receiverships

(a) OWNER OR OWNER'S AGENT.

(1) *In General.* No owner or owner's agent may file a complaint for possession of real property based, in whole or in part, on nonpayment of rent if the property is subject to a court-ordered receivership under D.C. Code §§ 34-2301 to -2306, 42-3301 to -3307, or 42-3651.01 to -.08 ~~(2012 Repl., 2019 Repl., and 2019 Supp.)~~, unless authorized by court order in the receivership action. A copy of any order authorizing the filing of a complaint for possession of real property based, in whole or in part, on nonpayment of rent must be attached as an exhibit to the complaint.

(2) *Pending Actions.* If a complaint for possession of real property based, in whole or in part, on nonpayment of rent is pending when a receiver is appointed, the owner or owner's agent must file a motion:

(A) requesting a status hearing;

(B) indicating that a receiver was appointed; and

(C) stating whether a court order in the receivership action authorizes the owner or owner's agent to proceed with the action.

(b) RECEIVERS.

(1) *Receiverships Under D.C. Code §§ 34-2301 to -2306 or 42-3301 to -3307.*

(A) *Commencing an Action.* A receiver may file a complaint seeking to recover possession of real property that is the subject of a court-ordered receivership under D.C. Code §§ 34-2301 to -2306 or 42-3301 to -3307 ~~(2012 Repl. & 2019 Repl.)~~. The receiver as plaintiff must file, together with the complaint, a copy of the receivership order and either:

(i) a sworn statement signed by the owner reflecting the owner's consent to be joined as a party plaintiff; or

(ii) a motion for leave to join the owner as a party defendant ~~under Civil Rule 19.~~

(B) *Service on Owner; Proof.* Notwithstanding Rule 13(c), the receiver must serve the complaint and any motion for joinder on the owner in any manner permitted by Civil Rule 4 at least 30 days, not counting Sundays and legal holidays, before the initial hearing. Proof of service must be by affidavit and must specifically state the person served and the manner and date of service. Proof of service must be filed at least 21 days before the date set for the initial hearing.

(C) *Court Determination.* If the court determines at the initial hearing that the owner may be joined ~~under Civil Rule 19~~ and that the receiver has served the owner, the owner must be realigned as a party plaintiff. The complaint must be dismissed without prejudice at the initial hearing if the court determines that the owner may not properly be joined ~~under Civil Rule 19~~ or that the receiver has not served the owner, unless the court, for good cause, extends the time for service. The standard for joinder set forth in Civil Rule 19 governs the Court's determination of joinder under Landlord and Tenant Rule 3-I(b)(1)(C).

(2) *All other Receiverships.*

(A) *Commencing an Action.* In any other case brought by a receiver, the plaintiff must file, together with the complaint, a copy of the order permitting the plaintiff to proceed with the action and a statement specifying the reason that joinder of the owner is not required.

(B) *Court Approval*. If the court determines at the initial hearing that joinder of the owner is required, the court must continue the hearing to permit the plaintiff to serve and join the owner in accordance Rule 3-I(b)(1)(B)-(C).

(c) COMPLAINTS NOT INVOLVING A CLAIM FOR NONPAYMENT OF RENT.

(1) *Commencement of Action*. Unless prohibited by the receivership order, an owner or owner's agent may file a complaint for possession of property subject to a court-ordered receivership, under D.C. Code §§ 34-2301 to -2306, 42-3301 to -3307, or 42-3651.01 to -.08 ~~(2012 Repl., 2019 Repl., and 2019 Supp.)~~, that is not based, in whole or in part, on nonpayment of rent. The owner or owner's agent must attach a copy of the receivership order as an exhibit to the complaint.

(2) *Service*. At least 14 days before the initial hearing, the owner or owner's agent must file a certificate of service certifying that a file-stamped copy of the complaint has been sent by first-class mail to the receiver at the most recent address on file with the clerk in the receivership action.

(3) *Protective Orders*. In an action brought by an owner or owner's agent in which the complaint is not based, in whole or in part, on nonpayment of rent, the court may not enter a protective order unless the receiver has been joined as a party ~~under Civil Rule 19~~ and served with process as required by Rule 3-I(b). No money paid into the court registry pursuant to a protective order may be released, except in a manner consistent with the court's orders in the receivership action.

(d) SERVICE OF PROCESS ON TENANT OR OCCUPANT. Nothing in this rule relieves a plaintiff's obligation to serve a tenant or occupant with process in accordance with Rule 4.

(e) SANCTIONS. Any party who files a complaint in violation of this rule is subject to reasonable sanctions, including, among others, reimbursement of the other parties' expenses, payment of reasonable attorney's fees, and dismissal of the complaint. Instead of or in addition to these sanctions, a violation of a court order issued pursuant to this rule or in connection with the receivership may result in an order treating the violation as a contempt of court.

COMMENT TO 2024 AMENDMENTS

Subsections (b)(1)(A)(ii), (b)(1)(C), and (c)(3) have been amended to delete the references to Civil Rule 19 consistent with the 2024 amendments to Landlord and Tenant Rule 13-I. While Civil Rule 19 does not generally apply to Landlord and Tenant cases, the standard for joinder set forth in Civil Rule 19 governs the Court's determination of joinder under Landlord and Tenant Rule 3-I(b)(1)(C). Subsections (a)(1), (b)(1)(A), and (c)(1) have been amended to delete the citation to the D.C. Code year and volume consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 3-II. Joinder of Persons or Entities Needed for Just Adjudication

(a) PERSONS OR ENTITIES SUBJECT TO JOINDER. A person or entity, including one not in possession of the premises, is subject to joinder as a defendant in an action based on alleged nonpayment of rent if an existing party to the action claims that the person or entity is legally liable for all or part of the amount alleged in the complaint to be due and owing ~~and establishes that joinder is warranted under Civil Rule 19.~~

COMMENT TO 2024 AMENDMENTS

Section (a) has been amended to delete the reference to Civil Rule 19 as unnecessary.

Rule 4. Process

(a) HOW AND BY WHOM. Service of process must be made in compliance with D.C. Code § 16-1502-~~(2022)~~ by any competent person not less than 18 years of age who is not a party to the suit. A separate copy of the summons and complaint must be provided for each defendant.

COMMENT TO 2024 AMENDMENTS

Section (a) has been amended to delete the citation to the D.C. Code year consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 5. Pleading by the Defendant

(a) IN GENERAL. In a landlord and tenant action, it is not necessary for a defendant to file any answer, plea, affidavit, or other defense in writing except as provided in Rules 6 and 13(d).

(b) COUNTERCLAIMS.

(1) *When Permitted.* In actions for recovery of possession of property in which the basis of recovery is nonpayment of rent or in which there is joined a claim for recovery of rent in arrears, the defendant may assert an equitable defense of recoupment or set-off or a counterclaim for a money judgment based on the payment of rent or on expenditures claimed as credits against rent or for equitable relief related to the premises. No other counterclaims, whether based on personal injury or otherwise, may be filed. These claims may be filed in other branches of the court.

(2) *Procedure for asserting counterclaims and defenses of recoupment and setoff.*

(A) *In General.* A counterclaim or a defense of recoupment or setoff must be in writing if it is based on the payment of rent, or on expenditures claimed as credits against rent, during a time period beyond that set forth in the plaintiff's complaint.

(B) *Time for Filing.* A defendant may file a written counterclaim at any time at least 14 days before trial if the case is scheduled for trial in the Landlord and Tenant Branch, unless the deadline is extended by the court for good cause shown. In cases **certified transferred** to the Civil Actions Branch for jury trial, any counterclaim must be included in the answer required by Rule 6 or in any amended answer filed under Civil Rule 15.

COMMENT TO 2024 AMENDMENTS

Subsection (b)(2)(B) of this rule has been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules.

Rule 10. Discovery

(d) CASES ~~CERTIFIED~~TRANSFERRED TO THE CIVIL ACTIONS BRANCH UNDER RULE 6. When a case is ~~certified~~transferred to ~~an individual calendar in~~ the Civil Actions Branch pursuant to Rule 6, limited discovery is permitted as a matter of right. The limited discovery consists of no more than 10 requests for production of documents and 10 interrogatories, including subparts, unless otherwise ordered by the court for good cause. All requests for additional discovery must be by written motion and, unless consented to by the parties, must be accompanied by the discovery requests to be propounded.

COMMENT TO 2024 AMENDMENTS

Section (d) of this rule has been amended to clarify that limited discovery is available as of right only in cases that have been transferred to the Civil Actions Branch because of a jury demand. Discovery is not available as of right in a case that has been transferred to the Civil Actions Branch because a party has not consented to having a magistrate judge preside over the case. Section (d) has also been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules.

Rule 11. Proceedings by the Court

(b) CASES SCHEDULED FOR INITIAL HEARING.

(1) *In General*. The clerk must determine whether parties are present or absent in the cases scheduled for initial hearings. A plaintiff who seeks a money or non-redeemable judgment must notify the clerk when the case is called.

(2) *Reservation of Rights*. If an initial hearing is continued for any reason, the rights of all parties are automatically reserved until the next scheduled hearing.

(3) *Entry of Default*. The clerk must enter a default against the defendant in any case scheduled for an initial hearing if:

(A) the plaintiff or the plaintiff's attorney is present;

(B) neither the defendant nor the defendant's representative is present;

(C) there is no question as to the validity of service on the defendant;

(D) the complaint alleges facts sufficient, if true, to entitle the plaintiff to possession of the premises; and

(E) the court verifies that the complaint meets all requirements of D.C. Code § 16-1501 and § 42-3505.01 ~~-(2022)~~.

COMMENT TO 2024 AMENDMENTS

Subsection (b)(3)(E) has been amended to delete the citation to the D.C. Code year consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 12-I. Protective Order

(g) SANCTIONS FOR UNTIMELY, PARTIAL, OR MISSED PAYMENTS.

(2) *Judgments for Possession.*

(B) *Cases Without Allegations of Nonpayment of Rent.* The court may not enter a judgment for possession as a sanction for the defendant's failure to comply with a protective order in any case in which the complaint does not allege the defendant's nonpayment of rent as a basis for the entry of a judgment in favor of the plaintiff. On motion of the plaintiff, however, the court, on a finding that the defendant has failed to comply with the terms of a protective order, must consider any appropriate sanction other than the entry of a judgment for possession, including advancing the trial date and, in a case that has been certifiedtransferred to the Civil Actions Branch under Rule 6 pursuant to the defendant's demand for a jury trial, striking the defendant's jury demand.

(C) *Cases Involving Allegations of Nonpayment of Rent and Other Allegations.* Where the defendant has failed to comply with a protective order in a case that involves allegations of nonpayment of rent and allegations on which the plaintiff seeks the entry of a judgment for possession that is not subject to the defendant's right to redeem the tenancy and avoid eviction, the court may, on the plaintiff's motion, and in accordance with Rule 12-I(g)(1):

(i) dismiss the allegations that do not relate to nonpayment of rent and enter a judgment for possession under Rule 12-I(g)(2)(A), subject to the defendant's right to redeem the tenancy;

(ii) allow the plaintiff to proceed under Rule 12-I(g)(2)(B) with respect to all of the allegations in the complaint; or

(iii) enter a judgment for possession under Rule 12-I(g)(2)(A) on the claim of nonpayment of rent, subject to the defendant's right to redeem the tenancy, and, as to the plaintiff's allegations other than nonpayment of rent, consider any appropriate sanction other than the entry of a non-redeemable judgment for possession, including advancing the trial date and, in a case that has been certifiedtransferred to the Civil Actions Branch under Rule 6 pursuant to the defendant's demand for a jury trial, striking the defendant's jury demand.

(3) *Cases That Have Been CertifiedTransferred to the Civil Actions Branch.*

(A) *Striking the Jury Demand.* If the court strikes the defendant's jury demand in accordance with Rule 12-I(g), then the case must be certifiedtransferred back from the Civil Actions Branch to the Landlord and Tenant Branch, and the court must vacate all discovery, mediation, pretrial conference, and trial dates pending in the Civil Actions Branch and, with notice to the defendant, set the case for a non-jury trial in the Landlord

and Tenant Branch on the earliest available date deemed fair to all parties in light of the totality of the circumstances.

COMMENT TO 2024 AMENDMENTS

Subsections (g)(2)(B), (g)(2)(C)(iii), and (g)(3)(A) of this rule have been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules.

Rule 13. Motions

(a) **IN GENERAL.** Unless otherwise provided by the rules or ordered by the court, a motion that depends on facts not in the record must be in writing and filed with the clerk. The motion must include a statement setting out the facts on which the motion is based. The movant may provide or the court may require declarations or other forms of sworn testimony.

(b) **TIMING AND NOTICE OF HEARING.** Except as provided in Rule 13(e), on filing of a motion, the clerk must set a hearing and provide a notice of motion hearing.

(1) *Timing.* The clerk must set a motion, except a motion filed under Rule 4(b)(3), for a hearing not earlier than 14 days after the motion is filed.

(2) *Notice.* The notice of motion hearing must specify the date, time, and location of the hearing and explain any option for remote participation.

(c) **SERVICE.**

(1) *By Counsel.* A movant represented by counsel must serve the motion in accordance with Civil Rule 5.

(2) *By Self-Represented Person.* A self-represented person filing a motion must provide a copy of the motion for each of the other parties. The clerk must serve a copy of the motion on each of the other parties and must enter the date and method of service on the docket.

(d) **OPPOSITION.**

(1) *In General.* Within 14 days after service of the motion or before the time set for any hearing, a party who opposes a motion may file an opposition. The court may extend the time for filing an opposition.

(2) *Attending Hearing.* If a hearing is set on the motion, a party who opposes the motion must participate in the hearing, either personally or through counsel.

(3) *Summary Judgment Motion Addressed in Civil Actions Branch.* A party who opposes a motion for summary judgment that will be decided by a judge in the Civil Actions Branch under Rule 13-I must file an opposition in accordance with Civil Rule 56.

(e) **MOTIONS NOT AUTOMATICALLY SCHEDULED FOR HEARINGS.**

(1) *Motion Addressed in Civil Actions Branch.* The clerk will not schedule a hearing for a motion that will be addressed by a judge in the Civil Actions Branch under Rule 13-I.

(2) *Motions to Alter or Amend or for Relief From a Ruling or Sanction.* Unless the court orders otherwise, the clerk will not schedule a hearing for a motion to alter or amend or for relief from a ruling or sanction. A motion to alter or amend or for relief from a ruling or sanction must, whenever practicable, be decided by the same judge who issued the ruling or sanction, and the motion must include that judge's name in the caption immediately below the case number.

(3) *Motions to Dismiss.* Unless the court orders otherwise, the clerk will not schedule a hearing on:

(A) a motion to dismiss by consent; or

(B) a motion to dismiss a case by the plaintiff if no counterclaim has been filed by the defendant.

(4) *Motions to Continue a Hearing.* Unless the court orders otherwise, the clerk will not schedule a hearing on a motion to continue a case that has been consented to by all parties.

(5) *Request for Hearing.* A party may request a hearing on a motion by stating at the bottom of the party’s motion or opposition, above the party’s signature, “Hearing Requested.” If the court decides to hold a hearing on the motion, the court must give all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing.

(f) COURT ACTION.

(1) *In General.* Except as provided in Rule 13-I(e)(2), the court may not grant a motion to which the opposing party has not consented unless:

(A) an opposition has been filed or the time for filing under Rule 13(d)(1) has expired; and

(B) it appears from the motion, any accompanying exhibits and documents, any opposition, and any prior proceedings in the case that the movant is entitled to relief.

(2) *Application or Motion for Continuance.* For good cause, the court may grant an application or motion for continuance without waiting for the time period in Rule 13(d)(1) to expire.

(g) RETENTION; ASSIGNMENT BY THE PRESIDING JUDGE. A ~~judicial officer~~judge or magistrate judge sitting in the Landlord and Tenant Branch may retain a particular motion for decision by notifying the parties and causing an entry to be made in the docket. The Presiding Judge of the Civil Division may also assign any motion arising in the Landlord and Tenant Branch to a particular ~~judicial officer~~judge or magistrate judge.

COMMENT TO 2024 AMENDMENTS

Section (g) of this rule has been amended to substitute “judge or magistrate judge” for “judicial officer” to conform with the general restyling of the Superior Court rules.

COMMENT TO 2023 AMENDMENTS

References to a statement of opposing points and authorities have been deleted consistent with the 2022 amendments to Civil Rule 12-I. The rule also has been amended to allow the court to permit parties to participate remotely, to be consistent with the court’s new case management system, and to conform to the general restyling of the civil rules.

Rule 13-I. Motions in Cases Certified/Transferred to Civil Actions Branch

(a) MOTIONS TO BE DECIDED BY THE ASSIGNED JUDGE BASED ON FILING OF A JURY DEMAND. The judge to whom a case has been certified/transferred for a jury trial under Rule 6 will determine the following all motions in the case, other than motions specified in Rule 13-I(f), in accordance with the se Superior Court Rules of Civil Procedure, the general order, rules and any applicable calendar orders:

- ~~—(1) a motion to dismiss or for judgment on the pleadings;~~
- ~~—(2) a motion concerning discovery;~~
- ~~—(3) a motion for summary judgment under Civil Rule 56;~~
- ~~—(4) a motion concerning the conduct of the trial (e.g., motions *in limine* to exclude or receive evidence);~~
- ~~—(5) a motion to amend the pleadings;~~
- ~~—(6) a motion filed under Civil Rules 17-25;~~
- ~~—(7) a motion to continue trial or any other hearing scheduled before the assigned judge;~~
- ~~—(8) a motion relating to the entry and withdrawal of counsel;~~
- ~~—(9) a motion for recusal of the assigned judge;~~
- ~~—(10) a motion to consolidate or sever;~~
- ~~—(11) a motion relating to any subject that is filed during trial or so close to trial that a hearing cannot be scheduled in the Landlord and Tenant Branch before the trial date;~~
- ~~—(12) a post-trial motion concerning the conduct or outcome of the trial or an appeal of the judgment;~~
- ~~—(13) a motion to vacate a dismissal, default, or default judgment entered by the assigned judge;~~
- ~~—(14) a motion to alter or amend or for relief from an order issued by the assigned judge; and~~
- ~~—(15) a motion for enlargement of time to file any motion, opposition, or other paper that will be determined by the assigned judge in accordance with Rule 13-I(a)(1)-(14).~~

(b) MOTIONS TO BE DECIDED BY THE ASSIGNED JUDGE BASED ON A PARTY'S LACK OF CONSENT TO A MAGISTRATE JUDGE. The judge to whom a case has been certified/transferred due to a party's lack of consent to a magistrate judge will determine all motions filed in such case in accordance with the se Superior Court Rules of Civil Procedure, the general order, rules and any applicable calendar order.

(c) PARTIES OPPOSING MOTIONS. Any party opposing a motion filed under Rule 13-I(a) or (b) may serve and file an opposition within 14 days after service of the motion on the party or such further time as the assigned judge may grant.

(d) REQUEST FOR HEARING. Any party may request a hearing on a motion filed under Rule 13-I(a) or (b) by stating at the bottom of the party's motion or opposition, above the party's signature, "Hearing Requested." If the court decides to hold a hearing on the motion, the court must give all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing.

(e) COURT ACTION.

(1) *In General.* Except as provided in Rule 13-I(e)(2), the court may not grant a motion to which the opposing party has not consented unless:

(A) an opposition has been filed or the time for filing under Rule 13-I(c)13-I(b) has expired; and

(B) it appears from the motion, any accompanying exhibits and documents, any opposition, and any prior proceedings in the case that the movant is entitled to relief.

(2) *Application or Motion for Continuance*. For good cause, the court may grant an application or motion for continuance without waiting for the time period in Rule ~~13-1(c)~~~~13-1(b)~~ to expire.

(f) MOTIONS TO BE DECIDED IN THE LANDLORD AND TENANT BRANCH. ~~Except as provided in Rule 13-1(a)(11) or as otherwise ordered by the court,~~ The following motions in a case transferred to the Civil Actions Branch for a jury trial under Rule 6 will be heard and decided under the ~~rules of the~~ Landlord and Tenant ~~Rules~~ Branch by a ~~judicial officer~~ judge or magistrate judge sitting in that branch, unless otherwise determined by the Presiding Judge of the Civil Division or the judge to whom the case is assigned:

(1) motions relating to a protective order, including any hearing held to determine the appropriate amount of protective order payments;

(2) motions for an administrative stay of the proceedings;

(3) motions for a temporary restraining order or preliminary injunction;

(4) motions to enforce a settlement agreement or consent judgment, unless otherwise specified ~~by the court~~ in the agreement and approved by the judge to whom the case is assigned; and

(5) post-trial motions not concerning the conduct or outcome of the trial or an appeal of the judgment.

(g) MOTIONS TO ALTER OR AMEND OR FOR RELIEF FROM RULINGS OR SANCTIONS ENTERED IN THE LANDLORD AND TENANT BRANCH. A motion to alter or amend or for relief from a ruling or sanction entered by a ~~judicial officer~~ judge or magistrate judge sitting in the Landlord and Tenant Branch will be decided by that ~~judicial officer~~ judge or magistrate judge whenever practicable. The motion must include the ~~judicial officer's~~ name of the judge or magistrate judge in the caption below the case number. A party opposing the motion may file an opposition within 14 days after service of the motion or such further time as the court may allow. A hearing on the motion will not automatically be set, but a hearing may be requested or held in accordance with Rule 13(e)(5).

~~(h) ALL OTHER MOTIONS. Except as provided in Rule 13-1(a)(11) or Rule 13-1(b), all other motions will be heard and decided by the judicial officer sitting in the Landlord and Tenant Branch under the rules of that branch, except that the Presiding Judge of the Civil Division has the discretion to certify any other motion not listed in Rule 13-1(a) to the assigned judge.~~

COMMENT TO 2024 AMENDMENTS

Sections (a) and (f) of this rule have been amended to clarify which motions must be decided in the Landlord and Tenant Branch based on the filing of a jury demand under Rule 6. Subsections (e)(1)(A) and (e)(2) have also been amended to correct the cross reference to section (c) (former section (b)). Sections (f) and (g) have been amended to substitute "judge or magistrate judge" for "judicial officer" and sections (a) and (b) have been amended to substitute "transferred" for "certified" to conform with the general

restyling of the Superior Court rules. Finally, section (h) has been deleted consistent with the amendments to sections (a) and (b).

Rule 14. Entry of Judgment

(a) JUDGMENT FOR POSSESSION. A judgment for possession may be entered:

- (1) by consent;
- (2) on the defendant's confession of liability before the court;
- (3) as a sanction for the defendant's failure to comply with a protective order, as provided in Rule 12-I;
- (4) by summary judgment in favor of the plaintiff or the defendant;
- (5) in accordance with D.C. Code § 16-1501 ~~(2012 Repl.)~~ in a trial proceeding; or
- (6) by default in accordance with Rule 14(c)

(b) MONEY JUDGMENT. Subject to Rule 3, a money judgment may be entered:

- (1) by consent;
- (2) on the defendant's confession of liability before the court;
- (3) by summary judgment in favor of the plaintiff or the defendant;
- (4) in favor of the prevailing party, at the conclusion of a trial or other hearing to the extent of the total amount proven; or
- (5) by default in accordance with Rule 14(c).

(c) DEFAULT JUDGMENT.

(1) *Servicemembers Civil Relief Act Affidavit*. In any case where the defendant has not made an appearance, a default judgment may be entered against the defendant only if the plaintiff files a Civil Action Form 114 that complies with the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901-4043).

(2) *Default Judgment for Possession*.

(A) *"Drug Haven" Case*. In a case where default is entered under Rule 11(b)(2) and the plaintiff seeks possession under the Residential Drug-Related Evictions Re-Enactment Act of 2000 (D.C. Code § 42-3602 ~~(2012 Repl.)~~) (authorizing evictions for maintaining a "drug haven"), the court may enter judgment for possession in favor of the plaintiff only on the plaintiff's presentation of ex parte proof and, if required by Rule 14(c)(1), the filing of Civil Action Form 114.

COMMENT TO 2024 AMENDMENTS

Subsections (a)(5) and (c)(2)(A) have been amended to delete the citation to the D.C. Code year and volume consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 1. Scope and Purpose

These rules govern the procedure in summary proceedings for possession brought in the Landlord and Tenant Branch. When a case brought in the Landlord and Tenant Branch is transferred to the Civil Actions Branch under Rule 6 or because a party has not consented to having a magistrate judge preside over the case, the case remains subject to these rules. When a case brought in the Landlord and Tenant Branch is transferred to the Civil Actions Branch under Rule 5(c), the case is subject in all respects to the Superior Court Rules of Civil Procedure.

These rules may be known as the Superior Court Rules of Procedure for the Landlord and Tenant Branch and may be cited as “Super. Ct. L&T R. ____.” They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

COMMENT TO 2024 AMENDMENTS

This rule has been amended consistent with the 2024 amendments to Rule 13-I to eliminate any ambiguity as to the applicability of these rules when a case brought in the Landlord and Tenant Branch is transferred to the Civil Actions Branch under Rule 6 or because a party has not consented to having a magistrate judge preside over the case.

Rule 2. Applicability of Certain Superior Court Rules of Civil Procedure

Except when inconsistent with these rules or the summary nature of landlord and tenant proceedings, the following Superior Court Rules of Civil Procedure are applicable to actions brought in the Landlord and Tenant Branch:

Civil Rules 4(h), 5, 5-I, 5-II, 5-III, 5.1, 5.1-I, 5.2, 6, 6-I, 8, 9, 9-I 10, 10-I, 11, 12(b)-(h), 15, 16, 16-II, 17, 20, 21, 22, 23, 23-I, 23.2, 24, 25, 38, 38-II, 39, 39-I, 39-II, 40-I, 41, 42, 43, 43-I, 44, 44-I, 44.1, 45, 46, 47, 48, 49, 50, 51, 52, 53, 53-I, 53-II, 54, 54-I, 54-II, 55, 55-I, 55-II, 55-III, 56, 57, 58, 59, 60, 61, 62(b), 63, 63-I, 64, 64-I, 64-II, 65, 65.1, 66, 67, 67-I, 68, 69, 69-I, 69-II, 70, 70-I, 71, 73, 77, 79, 79-I, 80, 82, 83-I, 84, 86, 101, 102, 103, 201, 202, and 203.

The following Superior Court Rules of Civil Procedure apply if discovery is authorized as of right or by court order, under Landlord and Tenant Rule 10: Civil Rules 26, 28, 29, 30, 31, 32, 33, 34, 36, and 37.

COMMENT TO 2024 AMENDMENTS

This rule has been amended to delete the incorporation by reference of Civil Rule 19 into these rules consistent with the 2024 amendments to Landlord and Tenant Rule 13-I. Civil Rule 19 is not generally applicable in Landlord and Tenant cases, but its standard governs joinder under Landlord and Tenant Rule 3-I(b).

COMMENT TO 2019 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. The rule now specifically lists applicable local civil rules with roman numeral designations; the omission of a local civil rule with a roman numeral designation is an indication that the rule is not applicable.

Civil Rule 4(h) has been added to address service on a corporation, partnership, or association.

Rule 3. Commencement of Action

(c) LIMITATIONS ON CLAIMS.

- (1) No owner or owner's agent may file a complaint for possession of real property:
- (A) for nonpayment of rent in an amount less than \$600;
 - (B) without a valid rental registration or claim of exemption pursuant to D.C. Code § 42-3502.05; or
 - (C) without a current license for rental housing issued pursuant to D.C. Code § 47-2828(c)(1).

(2) *Exceptions.*

- (A) Rule 3(c)(1) does not apply to complaints involving commercial property.
- (B) Rules 3(c)(1)(B) and (C) do not apply to complaints involving subtenants and units for which a license, registration, or claim of exemption is not legally required.
- (C) The court may waive the requirement reflected in Rule 3(c)(1)(C) in accordance with D.C. Code § 16-1501(c)(2).

COMMENT TO 2024 AMENDMENTS

New subsection (a)(3) has been added to require the complaint and the summons to include the defendant's telephone number and email address, if known to the plaintiff. (The plaintiff is already required by Civil Rule 10-1(b)(1) to provide its own telephone number and email address in the complaint.) It is not intended that the plaintiff's failure to provide the information required by this subsection will lead to the dismissal of the case absent extraordinary circumstances. Former subsection (a)(3) has been redesignated (a)(4). Subsections (c)(1)(B), (c)(1)(C), and (c)(2)(C) have been amended to delete the citation to the D.C. Code year consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 3-I. Properties Subject to Court-Ordered Receiverships

(a) OWNER OR OWNER'S AGENT.

(1) *In General.* No owner or owner's agent may file a complaint for possession of real property based, in whole or in part, on nonpayment of rent if the property is subject to a court-ordered receivership under D.C. Code §§ 34-2301 to -2306, 42-3301 to -3307, or 42-3651.01 to -.08, unless authorized by court order in the receivership action. A copy of any order authorizing the filing of a complaint for possession of real property based, in whole or in part, on nonpayment of rent must be attached as an exhibit to the complaint.

(2) *Pending Actions.* If a complaint for possession of real property based, in whole or in part, on nonpayment of rent is pending when a receiver is appointed, the owner or owner's agent must file a motion:

(A) requesting a status hearing;

(B) indicating that a receiver was appointed; and

(C) stating whether a court order in the receivership action authorizes the owner or owner's agent to proceed with the action.

(b) RECEIVERS.

(1) *Receiverships Under D.C. Code §§ 34-2301 to -2306 or 42-3301 to -3307.*

(A) *Commencing an Action.* A receiver may file a complaint seeking to recover possession of real property that is the subject of a court-ordered receivership under D.C. Code §§ 34-2301 to -2306 or 42-3301 to -3307. The receiver as plaintiff must file, together with the complaint, a copy of the receivership order and either:

(i) a sworn statement signed by the owner reflecting the owner's consent to be joined as a party plaintiff; or

(ii) a motion for leave to join the owner as a party defendant.

(B) *Service on Owner; Proof.* Notwithstanding Rule 13(c), the receiver must serve the complaint and any motion for joinder on the owner in any manner permitted by Civil Rule 4 at least 30 days, not counting Sundays and legal holidays, before the initial hearing. Proof of service must be by affidavit and must specifically state the person served and the manner and date of service. Proof of service must be filed at least 21 days before the date set for the initial hearing.

(C) *Court Determination.* If the court determines at the initial hearing that the owner may be joined and that the receiver has served the owner, the owner must be realigned as a party plaintiff. The complaint must be dismissed without prejudice at the initial hearing if the court determines that the owner may not properly be joined or that the receiver has not served the owner, unless the court, for good cause, extends the time for service. The standard for joinder set forth in Civil Rule 19 governs the Court's determination of joinder under Landlord and Tenant Rule 3-I(b)(1)(C).

(2) *All other Receiverships.*

(A) *Commencing an Action.* In any other case brought by a receiver, the plaintiff must file, together with the complaint, a copy of the order permitting the plaintiff to proceed with the action and a statement specifying the reason that joinder of the owner is not required.

(B) *Court Approval.* If the court determines at the initial hearing that joinder of the owner is required, the court must continue the hearing to permit the plaintiff to serve and join the owner in accordance Rule 3-I(b)(1)(B)-(C).

(c) COMPLAINTS NOT INVOLVING A CLAIM FOR NONPAYMENT OF RENT.

(1) *Commencement of Action.* Unless prohibited by the receivership order, an owner or owner's agent may file a complaint for possession of property subject to a court-ordered receivership, under D.C. Code §§ 34-2301 to -2306, 42-3301 to -3307, or 42-3651.01 to -.08, that is not based, in whole or in part, on nonpayment of rent. The owner or owner's agent must attach a copy of the receivership order as an exhibit to the complaint.

(2) *Service.* At least 14 days before the initial hearing, the owner or owner's agent must file a certificate of service certifying that a file-stamped copy of the complaint has been sent by first-class mail to the receiver at the most recent address on file with the clerk in the receivership action.

(3) *Protective Orders.* In an action brought by an owner or owner's agent in which the complaint is not based, in whole or in part, on nonpayment of rent, the court may not enter a protective order unless the receiver has been joined as a party and served with process as required by Rule 3-1(b). No money paid into the court registry pursuant to a protective order may be released, except in a manner consistent with the court's orders in the receivership action.

(d) SERVICE OF PROCESS ON TENANT OR OCCUPANT. Nothing in this rule relieves a plaintiff's obligation to serve a tenant or occupant with process in accordance with Rule 4.

(e) SANCTIONS. Any party who files a complaint in violation of this rule is subject to reasonable sanctions, including, among others, reimbursement of the other parties' expenses, payment of reasonable attorney's fees, and dismissal of the complaint. Instead of or in addition to these sanctions, a violation of a court order issued pursuant to this rule or in connection with the receivership may result in an order treating the violation as a contempt of court.

COMMENT TO 2024 AMENDMENTS

Subsections (b)(1)(A)(ii), (b)(1)(C), and (c)(3) have been amended to delete the references to Civil Rule 19 consistent with the 2024 amendments to Landlord and Tenant Rule 13-1. While Civil Rule 19 does not generally apply to Landlord and Tenant cases, the standard for joinder set forth in Civil Rule 19 governs the Court's determination of joinder under Landlord and Tenant Rule 3-1(b)(1)(C). Subsections (a)(1), (b)(1)(A), and (c)(1) have been amended to delete the citation to the D.C. Code year and volume consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 3-II. Joinder of Persons or Entities Needed for Just Adjudication

(a) PERSONS OR ENTITIES SUBJECT TO JOINDER. A person or entity, including one not in possession of the premises, is subject to joinder as a defendant in an action based on alleged nonpayment of rent if an existing party to the action claims that the person or entity is legally liable for all or part of the amount alleged in the complaint to be due and owing.

COMMENT TO 2024 AMENDMENTS

Section (a) has been amended to delete the reference to Civil Rule 19 as unnecessary.

Rule 4. Process

(a) HOW AND BY WHOM. Service of process must be made in compliance with D.C. Code § 16-1502 by any competent person not less than 18 years of age who is not a party to the suit. A separate copy of the summons and complaint must be provided for each defendant.

COMMENT TO 2024 AMENDMENTS

Section (a) has been amended to delete the citation to the D.C. Code year consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 5. Pleading by the Defendant

(a) IN GENERAL. In a landlord and tenant action, it is not necessary for a defendant to file any answer, plea, affidavit, or other defense in writing except as provided in Rules 6 and 13(d).

(b) COUNTERCLAIMS.

(1) *When Permitted.* In actions for recovery of possession of property in which the basis of recovery is nonpayment of rent or in which there is joined a claim for recovery of rent in arrears, the defendant may assert an equitable defense of recoupment or set-off or a counterclaim for a money judgment based on the payment of rent or on expenditures claimed as credits against rent or for equitable relief related to the premises. No other counterclaims, whether based on personal injury or otherwise, may be filed. These claims may be filed in other branches of the court.

(2) *Procedure for asserting counterclaims and defenses of recoupment and setoff.*

(A) *In General.* A counterclaim or a defense of recoupment or setoff must be in writing if it is based on the payment of rent, or on expenditures claimed as credits against rent, during a time period beyond that set forth in the plaintiff's complaint.

(B) *Time for Filing.* A defendant may file a written counterclaim at any time at least 14 days before trial if the case is scheduled for trial in the Landlord and Tenant Branch, unless the deadline is extended by the court for good cause shown. In cases transferred to the Civil Actions Branch for jury trial, any counterclaim must be included in the answer required by Rule 6 or in any amended answer filed under Civil Rule 15.

COMMENT TO 2024 AMENDMENTS

Subsection (b)(2)(B) of this rule has been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules.

Rule 10. Discovery

(d) CASES TRANSFERRED TO THE CIVIL ACTIONS BRANCH UNDER RULE 6. When a case is transferred to the Civil Actions Branch pursuant to Rule 6, limited discovery is permitted as a matter of right. The limited discovery consists of no more than 10 requests for production of documents and 10 interrogatories, including subparts, unless otherwise ordered by the court for good cause. All requests for additional discovery must be by written motion and, unless consented to by the parties, must be accompanied by the discovery requests to be propounded.

COMMENT TO 2024 AMENDMENTS

Section (d) of this rule has been amended to clarify that limited discovery is available as of right only in cases that have been transferred to the Civil Actions Branch because of a jury demand. Discovery is not available as of right in a case that has been transferred to the Civil Actions Branch because a party has not consented to having a magistrate judge preside over the case. Section (d) has also been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules.

Rule 11. Proceedings by the Court

(b) CASES SCHEDULED FOR INITIAL HEARING.

(1) *In General.* The clerk must determine whether parties are present or absent in the cases scheduled for initial hearings. A plaintiff who seeks a money or non-redeemable judgment must notify the clerk when the case is called.

(2) *Reservation of Rights.* If an initial hearing is continued for any reason, the rights of all parties are automatically reserved until the next scheduled hearing.

(3) *Entry of Default.* The clerk must enter a default against the defendant in any case scheduled for an initial hearing if:

(A) the plaintiff or the plaintiff's attorney is present;

(B) neither the defendant nor the defendant's representative is present;

(C) there is no question as to the validity of service on the defendant;

(D) the complaint alleges facts sufficient, if true, to entitle the plaintiff to possession of the premises; and

(E) the court verifies that the complaint meets all requirements of D.C. Code § 16-1501 and § 42-3505.01.

COMMENT TO 2024 AMENDMENTS

Subsection (b)(3)(E) has been amended to delete the citation to the D.C. Code year consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

Rule 12-I. Protective Order

(g) SANCTIONS FOR UNTIMELY, PARTIAL, OR MISSED PAYMENTS.

(2) *Judgments for Possession.*

(B) *Cases Without Allegations of Nonpayment of Rent.* The court may not enter a judgment for possession as a sanction for the defendant's failure to comply with a protective order in any case in which the complaint does not allege the defendant's nonpayment of rent as a basis for the entry of a judgment in favor of the plaintiff. On motion of the plaintiff, however, the court, on a finding that the defendant has failed to comply with the terms of a protective order, must consider any appropriate sanction other than the entry of a judgment for possession, including advancing the trial date and, in a case that has been transferred to the Civil Actions Branch under Rule 6 pursuant to the defendant's demand for a jury trial, striking the defendant's jury demand.

(C) *Cases Involving Allegations of Nonpayment of Rent and Other Allegations.* Where the defendant has failed to comply with a protective order in a case that involves allegations of nonpayment of rent and allegations on which the plaintiff seeks the entry of a judgment for possession that is not subject to the defendant's right to redeem the tenancy and avoid eviction, the court may, on the plaintiff's motion, and in accordance with Rule 12-I(g)(1):

(i) dismiss the allegations that do not relate to nonpayment of rent and enter a judgment for possession under Rule 12-I(g)(2)(A), subject to the defendant's right to redeem the tenancy;

(ii) allow the plaintiff to proceed under Rule 12-I(g)(2)(B) with respect to all of the allegations in the complaint; or

(iii) enter a judgment for possession under Rule 12-I(g)(2)(A) on the claim of nonpayment of rent, subject to the defendant's right to redeem the tenancy, and, as to the plaintiff's allegations other than nonpayment of rent, consider any appropriate sanction other than the entry of a non-redeemable judgment for possession, including advancing the trial date and, in a case that has been transferred to the Civil Actions Branch under Rule 6 pursuant to the defendant's demand for a jury trial, striking the defendant's jury demand.

(3) *Cases That Have Been Transferred to the Civil Actions Branch.*

(A) *Striking the Jury Demand.* If the court strikes the defendant's jury demand in accordance with Rule 12-I(g), then the case must be transferred back from the Civil Actions Branch to the Landlord and Tenant Branch, and the court must vacate all discovery, mediation, pretrial conference, and trial dates pending in the Civil Actions Branch and, with notice to the defendant, set the case for a non-jury trial in the Landlord and Tenant Branch on the earliest available date deemed fair to all parties in light of the totality of the circumstances.

COMMENT TO 2024 AMENDMENTS

Subsections (g)(2)(B), (g)(2)(C)(iii), and (g)(3)(A) of this rule have been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules.

Rule 13. Motions

(a) **IN GENERAL.** Unless otherwise provided by the rules or ordered by the court, a motion that depends on facts not in the record must be in writing and filed with the clerk. The motion must include a statement setting out the facts on which the motion is based. The movant may provide or the court may require declarations or other forms of sworn testimony.

(b) **TIMING AND NOTICE OF HEARING.** Except as provided in Rule 13(e), on filing of a motion, the clerk must set a hearing and provide a notice of motion hearing.

(1) *Timing.* The clerk must set a motion, except a motion filed under Rule 4(b)(3), for a hearing not earlier than 14 days after the motion is filed.

(2) *Notice.* The notice of motion hearing must specify the date, time, and location of the hearing and explain any option for remote participation.

(c) **SERVICE.**

(1) *By Counsel.* A movant represented by counsel must serve the motion in accordance with Civil Rule 5.

(2) *By Self-Represented Person.* A self-represented person filing a motion must provide a copy of the motion for each of the other parties. The clerk must serve a copy of the motion on each of the other parties and must enter the date and method of service on the docket.

(d) **OPPOSITION.**

(1) *In General.* Within 14 days after service of the motion or before the time set for any hearing, a party who opposes a motion may file an opposition. The court may extend the time for filing an opposition.

(2) *Attending Hearing.* If a hearing is set on the motion, a party who opposes the motion must participate in the hearing, either personally or through counsel.

(3) *Summary Judgment Motion Addressed in Civil Actions Branch.* A party who opposes a motion for summary judgment that will be decided by a judge in the Civil Actions Branch under Rule 13-I must file an opposition in accordance with Civil Rule 56.

(e) **MOTIONS NOT AUTOMATICALLY SCHEDULED FOR HEARINGS.**

(1) *Motion Addressed in Civil Actions Branch.* The clerk will not schedule a hearing for a motion that will be addressed by a judge in the Civil Actions Branch under Rule 13-I.

(2) *Motions to Alter or Amend or for Relief From a Ruling or Sanction.* Unless the court orders otherwise, the clerk will not schedule a hearing for a motion to alter or amend or for relief from a ruling or sanction. A motion to alter or amend or for relief from a ruling or sanction must, whenever practicable, be decided by the same judge who issued the ruling or sanction, and the motion must include that judge's name in the caption immediately below the case number.

(3) *Motions to Dismiss.* Unless the court orders otherwise, the clerk will not schedule a hearing on:

(A) a motion to dismiss by consent; or

(B) a motion to dismiss a case by the plaintiff if no counterclaim has been filed by the defendant.

(4) *Motions to Continue a Hearing.* Unless the court orders otherwise, the clerk will not schedule a hearing on a motion to continue a case that has been consented to by all parties.

(5) *Request for Hearing.* A party may request a hearing on a motion by stating at the bottom of the party’s motion or opposition, above the party’s signature, “Hearing Requested.” If the court decides to hold a hearing on the motion, the court must give all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing.

(f) COURT ACTION.

(1) *In General.* Except as provided in Rule 13-I(e)(2), the court may not grant a motion to which the opposing party has not consented unless:

(A) an opposition has been filed or the time for filing under Rule 13(d)(1) has expired; and

(B) it appears from the motion, any accompanying exhibits and documents, any opposition, and any prior proceedings in the case that the movant is entitled to relief.

(2) *Application or Motion for Continuance.* For good cause, the court may grant an application or motion for continuance without waiting for the time period in Rule 13(d)(1) to expire.

(g) RETENTION; ASSIGNMENT BY THE PRESIDING JUDGE. A judge or magistrate judge sitting in the Landlord and Tenant Branch may retain a particular motion for decision by notifying the parties and causing an entry to be made in the docket. The Presiding Judge of the Civil Division may also assign any motion arising in the Landlord and Tenant Branch to a particular judge or magistrate judge.

COMMENT TO 2024 AMENDMENTS

Section (g) of this rule has been amended to substitute “judge or magistrate judge” for “judicial officer” to conform with the general restyling of the Superior Court rules.

COMMENT TO 2023 AMENDMENTS

References to a statement of opposing points and authorities have been deleted consistent with the 2022 amendments to Civil Rule 12-I. The rule also has been amended to allow the court to permit parties to participate remotely, to be consistent with the court’s new case management system, and to conform to the general restyling of the civil rules.

Rule 13-I. Motions in Cases Transferred to Civil Actions Branch

(a) MOTIONS TO BE DECIDED BY THE ASSIGNED JUDGE BASED ON FILING OF A JURY DEMAND. The judge to whom a case has been transferred for a jury trial under Rule 6 will determine all motions in the case, other than motions specified in Rule 13-I(f), in accordance with these rules and any applicable calendar orders.

(b) MOTIONS TO BE DECIDED BY THE ASSIGNED JUDGE BASED ON A PARTY'S LACK OF CONSENT TO A MAGISTRATE JUDGE. The judge to whom a case has been transferred due to a party's lack of consent to a magistrate judge will determine all motions filed in such case in accordance with these rules and any applicable calendar order.

(c) PARTIES OPPOSING MOTIONS. Any party opposing a motion filed under Rule 13-I(a) or (b) may serve and file an opposition within 14 days after service of the motion on the party or such further time as the assigned judge may grant.

(d) REQUEST FOR HEARING. Any party may request a hearing on a motion filed under Rule 13-I(a) or (b) by stating at the bottom of the party's motion or opposition, above the party's signature, "Hearing Requested." If the court decides to hold a hearing on the motion, the court must give all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing.

(e) COURT ACTION.

(1) *In General.* Except as provided in Rule 13-I(e)(2), the court may not grant a motion to which the opposing party has not consented unless:

(A) an opposition has been filed or the time for filing under Rule 13-I(c) has expired; and

(B) it appears from the motion, any accompanying exhibits and documents, any opposition, and any prior proceedings in the case that the movant is entitled to relief.

(2) *Application or Motion for Continuance.* For good cause, the court may grant an application or motion for continuance without waiting for the time period in Rule 13-I(c) to expire.

(f) MOTIONS TO BE DECIDED IN THE LANDLORD AND TENANT BRANCH. The following motions in a case transferred to the Civil Actions Branch for a jury trial under Rule 6 will be heard and decided under the Landlord and Tenant Rules by a judge or magistrate judge sitting in that branch, unless otherwise determined by the Presiding Judge of the Civil Division or the judge to whom the case is assigned:

(1) motions relating to a protective order, including any hearing held to determine the appropriate amount of protective order payments;

(2) motions for an administrative stay of the proceedings;

(3) motions for a temporary restraining order or preliminary injunction;

(4) motions to enforce a settlement agreement or consent judgment, unless otherwise specified in the agreement and approved by the judge to whom the case is assigned; and

(5) post-trial motions not concerning the conduct or outcome of the trial or an appeal of the judgment.

(g) MOTIONS TO ALTER OR AMEND OR FOR RELIEF FROM RULINGS OR SANCTIONS ENTERED IN THE LANDLORD AND TENANT BRANCH. A motion to alter or amend or for relief from a ruling or sanction entered by a judge or magistrate judge sitting in the Landlord and Tenant Branch will be decided by that judge or

magistrate judge whenever practicable. The motion must include the name of the judge or magistrate judge in the caption below the case number. A party opposing the motion may file an opposition within 14 days after service of the motion or such further time as the court may allow. A hearing on the motion will not automatically be set, but a hearing may be requested or held in accordance with Rule 13(e)(5).

COMMENT TO 2024 AMENDMENTS

Sections (a) and (f) of this rule have been amended to clarify which motions must be decided in the Landlord and Tenant Branch based on the filing of a jury demand under Rule 6. Subsections (e)(1)(A) and (e)(2) have also been amended to correct the cross reference to section (c) (former section (b)). Sections (f) and (g) have been amended to substitute “judge or magistrate judge” for “judicial officer” and sections (a) and (b) have been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules. Finally, section (h) has been deleted consistent with the amendments to sections (a) and (b).

Rule 14. Entry of Judgment

(a) **JUDGMENT FOR POSSESSION.** A judgment for possession may be entered:

- (1) by consent;
- (2) on the defendant's confession of liability before the court;
- (3) as a sanction for the defendant's failure to comply with a protective order, as provided in Rule 12-I;
- (4) by summary judgment in favor of the plaintiff or the defendant;
- (5) in accordance with D.C. Code § 16-1501 in a trial proceeding; or
- (6) by default in accordance with Rule 14(c)

(b) **MONEY JUDGMENT.** Subject to Rule 3, a money judgment may be entered:

- (1) by consent;
- (2) on the defendant's confession of liability before the court;
- (3) by summary judgment in favor of the plaintiff or the defendant;
- (4) in favor of the prevailing party, at the conclusion of a trial or other hearing to the extent of the total amount proven; or
- (5) by default in accordance with Rule 14(c).

(c) **DEFAULT JUDGMENT.**

(1) *Servicemembers Civil Relief Act Affidavit.* In any case where the defendant has not made an appearance, a default judgment may be entered against the defendant only if the plaintiff files a Civil Action Form 114 that complies with the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901-4043).

(2) *Default Judgment for Possession.*

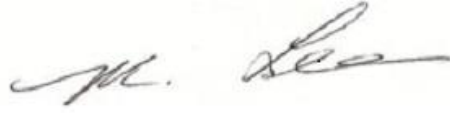
(A) *"Drug Haven" Case.* In a case where default is entered under Rule 11(b)(2) and the plaintiff seeks possession under the Residential Drug-Related Evictions Re-Enactment Act of 2000 (D.C. Code § 42-3602) (authorizing evictions for maintaining a "drug haven"), the court may enter judgment for possession in favor of the plaintiff only on the plaintiff's presentation of ex parte proof and, if required by Rule 14(c)(1), the filing of Civil Action Form 114.

COMMENT TO 2024 AMENDMENTS

Subsections (a)(5) and (c)(2)(A) have been amended to delete the citation to the D.C. Code year and volume consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

* * *

By the Court:



Milton C. Lee, Jr.
Chief Judge

Date: October 11, 2024

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