

District of Columbia Superior Court

CIVIL DIVISION

CIVIL ACTIONS BRANCH



Case Management Plan

Revised February 2025

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Purpose

All cases filed in the Civil Division, Civil Actions Branch of the Superior Court of the District of Columbia are to be determined in a just, speedy, and inexpensive manner in accordance with the Superior Court Rules of Civil Procedure. The purpose of this case management plan is to give parties a broad understanding of case management in the Civil Actions Branch within the scope of the rules. It details the actions the court takes to monitor and control the progression of a case, from initiation through final disposition, and to ensure prompt resolution consistent with the individual circumstances of the cases. This case management plan, however, does not purport to be comprehensive because it is not possible to contemplate and address every situation in one document.

If you are a self-represented litigant, you need to know that: (1) this plan is not a substitute for the advice of a lawyer; and (2) court staff cannot give legal advice. (Self-represented litigants are also referred to as “pro se” which means without counsel.) Court staff may only provide procedural information which is different from legal advice. Since the law can be very complicated, self-represented parties are strongly encouraged to talk to a lawyer to help protect their legal rights as well as understand their legal obligations. To facilitate assistance with legal information, the Superior Court Rules of Civil Procedure can be accessed on the court’s website at <https://www.dccourts.gov/superior-court/rules>. In addition, a legal dictionary/glossary is provided on the court’s website at <https://www.dccourts.gov/services/legal-glossary>. Further, for easy access, links have been provided throughout this document when referencing a form.

Performance Measures

In 2005, the District of Columbia Courts’ policy making body, the Joint Committee on Judicial Administration, adopted a set of nationally recognized measures to assess and report on the court’s performance of timely and efficient resolution of cases. Performance measures address outcomes the court strives to achieve in order to deliver justice effectively and enhance accountability to the public.

Performance assessments allow the court leadership to monitor operational efficiency and assess how well the court is doing in achieving its goals. In order to assess the court’s performance and monitor cases, the Age of Active Pending Caseload, Time to Disposition, and Trial Date Certainty performance reports have been adopted.

Age of Active Pending Caseload Report

The Age of Active Pending Caseload report measures the length of time a case is pending before the court from the date of filing to the time of measurement. This report is used in conjunction with the Time to Disposition report to monitor the caseload. Tracking these reports allows the court to monitor and focus attention on cases approaching the court’s time standards. Excludable time, defined as periods of case inactivity beyond the court’s control, is not included in the Age of Active Pending Caseload Report.

Time to Disposition Report

The Time to Disposition Report measures the number of cases disposed or resolved within the court’s established timeframes. This report assesses the time it takes the court to process cases. It is used to observe trends and to assure the effective use of resources. Excludable time is not included in the Time to Disposition Report.

Excludable Time

The court has defined events that constitute excludable time for the Age of Active Pending Caseload and Time to Disposition reports. These are events that prevent movement of the case to disposition and are out of the court's control.

The excludable events for civil actions cases are:

- interlocutory appeal from stay entered to when the stay is lifted
- bankruptcy stay entered to when the stay is lifted
- military stay entered to when the stay is lifted
- other stay that precludes any activity in the case to when the stay is lifted
- ancillary proceeding that precludes all other activity in a case to resolution of ancillary proceeding
- qui tam cases during period of seal to when the seal is lifted

Time to Disposition: Performance Standards

Case Type	Disposition Standard (98% disposed within)
Administrative Proceedings and Judge-in-Chambers	90 days
Landlord and Tenant Jury	270 days
Small Claims Jury	
Housing Conditions	365 days
Traffic Adjudication Appeals	
Libel of Information	14 months
Vehicle	18 months
Merit Personnel Act and Other Agency Appeals	
General Civil II Complaints	24 months
Collection and Subrogation Cases	30 months
Civil I Complaints	36 months
Title 47 Tax Lien Cases	

Trial Date Certainty Report

The Trial Date Certainty Report is a case processing measure that assesses whether cases disposed of by trial are tried on the first trial date on which they are set, or if they are continued one or more times before the trial actually begins. *See* Administrative Order #09-13. Setting credible trial dates encourages proper preparation by all parties, furthers the interests of litigants and the public in timely justice, helps to assure effective calendaring of cases and utilization of resources, and promotes high quality justice. The report also provides reasons for continuances to assess trends and monitor trial performance goals. The Civil Division's goal is to dispose of 85% of jury trial cases and 90% of bench trial cases within 2 trial settings.

Caseflow Management

Consistent intervention by the court ensures proper caseflow. For that reason, every open case must have a future hearing date. Hearings are scheduled to take place in-person (where attorneys and/or parties are required to be physically present in the courtroom), or as remote hearings (where attorneys and/or parties may appear by remote means). Parties and lawyers always have the option to appear in person for any hearing that is scheduled as a remote hearing (with the exception of hearings scheduled in Judge-in-Chambers, Courtroom 400 which are currently conducted exclusively remotely). Litigants required to participate in Judge-in-Chambers hearings remotely who otherwise lack internet access, or a computer may participate in court hearings at one of the Court's designated remote sites or in a court building. Consistent scheduling of events increases the level of judicial attention and case control necessary to achieve the court's performance goals. In order to achieve its performance goals, the division has implemented case processing techniques to monitor and control the progress of cases through resolution. These techniques include:

- Early and continuous electronic caseload monitoring;
- Differentiated case management plans; and
- Alternative Dispute Resolution (ADR)

Electronic Caseload Monitoring

The Civil Division has implemented electronic caseload inventory reports that monitor on a monthly basis the division's clearance rate. Clearance rates are calculated as the number of outgoing cases as a percentage of the number of incoming cases. Clearance rates measure whether the court is processing its incoming caseload timely to minimize a backlog of cases. Other reports provide data for trials held, pending motions, matters taken under advisement, and cases that lack a future event – but which should have such a date - since every open case must have a future hearing date. These reports are monitored frequently by the judges and court administrators to manage and control caseflow and ensure accurate case activity reporting. The Civil Division is able to identify emerging areas of concerns and pinpoint areas for development by continuously monitoring caseloads.

Differentiated Case Management

The Civil Division's differentiated case management (DCM) plan provides for the assignment of cases to "tracks" with deadlines for each action to be taken in a case through the pre-trial conference. A case is assigned to a specific "track" at the first hearing, which is usually the scheduling conference. The tracks are customized for specific case types with standardized time periods to exchange witness lists, complete discovery, file motions, complete ADR, and hold a pretrial/settlement conference before the judge. For instance, there are three tracks for Civil II cases, two tracks for medical malpractice cases and four tracks for vehicle accident cases. While landlord and tenant and small claims cases that are nonjury cases are not assigned to a track, landlord and tenant and small claims *jury cases* are assigned

to specific fast track. This plan encourages meaningful pretrial conferences before judges. Most trial dates are established only after pretrial conferences are held and all ADR efforts have been completed. This process assists judges with continuous case control and scheduling firm trial dates.

Alternative Dispute Resolution (ADR)

In addition to early judicial intervention, the division uses ADR methods such as mediation to attempt to resolve cases as early as possible through trained ADR professionals provided by the Multi-Door Dispute Resolution Division. Participation in ADR is mandatory for all Civil Actions cases. ADR methods primarily will be held virtually, but there are opportunities for in-person ADR if appropriate or if the Court determines they should occur in person. Most civil cases are resolved prior to trial through alternative dispute resolution. The schedule for ADR is selected at the scheduling conference. The initial scheduling conference, scheduling orders, and ADR is discussed later in more detail in this Case Management Plan.

Judicial Assignments

The Civil Division has a judicial team comprised of associate judges including a presiding judge and deputy presiding judge, magistrate judges and a rotation of senior judges. The division employs an individual calendaring system and each associate judge and/or magistrate judge is assigned to a specific calendar. The individual calendaring system randomly assigns cases to individual judges, according to the cause of action, when a case is filed to encourage resolution through early judicial attention and intervention. Two judges are assigned to the Civil 1 calendars, which include complex cases involving subject areas such as toxic mass torts and asbestos litigation. There are twelve Civil II calendars which are assigned to associate judges and a rotation of magistrate judges that are assigned to high volume calendars. A team of magistrate judges are assigned to the Small Claims, Tax Lien, Collections, Housing and Mortgage.

Consent to Proceed before a Magistrate Judge

A written consent signed by all parties must be filed prior to the commencement of a hearing before a magistrate judge. If a party fails to: (1) file an answer, if an answer is required, and (2) appear in an action, the party is deemed to have consented to the proceeding being conducted by a magistrate judge. *See* Super. Ct. Civ. R. 73 (a)(1) and (3) and D. C. Code §11-1732 (a) and (j). If all parties do not consent to proceed before a magistrate judge, the case is assigned to an associate judge.

Case Types in the Civil Actions Branch

The Civil Actions Branch is responsible for processing all civil cases requesting damages above \$10,000 or equitable relief, and cases that affect an interest in real property. Civil cases requesting equitable relief are those seeking a court order that either directs someone to do something (perform an action) or prevents them from doing something. These types of actions are commonly known as seeking injunctive relief. Actions seeking money damages that are \$10,000 or less must be filed in the Small Claims and Conciliation Branch in Room 120 of Court Building B, located at 510 4th Street N.W. All actions for the possession of real property must be filed in the Landlord and Tenant Branch in Room 110 of Court Building B, located at 510 4th Street, N.W., except for ejections in civil matters.

Each case that is accepted for filing is initiated in the case management database and automatically assigned a case number. The case number consists of the year the case is filed followed by the branch abbreviation and then a sequential number, for example: “2024 CAB 0001.” Based upon

the cause of action, each case is categorized into a case type and tracked for statistical purposes and performance standards. The case types are set forth in the following table.

The Civil Actions Branch processes the following case types:

CASE TYPE	CASE SUBTYPES
ADMINISTRATIVE PROCEEDINGS	Administrative Search Warrant, Application for Entry of Judgment Defaulted Compensation Benefits, Enter Administrative Order as Judgment, Libel of Information, Master Meter, Petition Other, Release Mechanics Lien, Request for Subpoena
CONTRACT	Breach of Contract, Breach of Warranty, Condo/ Homeowner Association Fees, Contract Enforcement
COLLECTIONS/INSURANCE SUBROGATION	Debt Collection, Insurance Subrogation, Motion/Application for Judgment by Confession, Motion/Application Regarding Arbitration Award
EMPLOYMENT DISPUTE	Breach of Contract, Discrimination, Wage Claim, Whistleblower, Wrongful Termination
REAL PROPERTY	Condo/Homeowner Assn. Foreclosure, Declaratory Judgment, Drug Related Nuisance Abatement, Ejectment, Eminent Domain, Interpleader, Quit Title, Specific Performance, Other
FRIENDLY SUIT	No Subtype
HOUSING CODE REGULATION	No Subtype
QUI TAM	No Subtype
STRUCTURED SETTLEMENTS	No Subtype
MALPRACTICE	Medical – Other, Wrongful Death
AGENCY APPEAL	Dangerous Animal Determination, DCPS Residency Appeal, Merit Personnel Act, Merit Personnel Act, Other Agency Appeal
REQUEST FOR FOREIGN JUDGMENT	No Subtype
APPLICATION FOR INTERNATIONAL FOREIGN JUDGMENT	No Subtype
CIVIL ASSET FORFEITURE	Currency, Real Property, Vehicle, Other
NAME CHANGE/VITAL RECORD AMENDMENT	Birth Certificate Amendment, Death Certificate Amendment, Gender Amendment, Name Change
TORT	Abuse of Process, Assault/Battery, Conversion, False Arrest/Malicious Prosecution, Libel/Slander/Defamation, Personal Injury, Toxic Mass, Negligence, Slip and Fall, Property Damage, Wrongful Death (Non-Medical Malpractice)
GENERAL CIVIL	Accounting, Deceit (Misrepresentation), Fraud, Invasion of Privacy, Lead Paint, Leal Malpractice, Motion/Application Regarding Arbitration Award, Other – General Civil, Product Liability, Request for Liquidation, Writ of Replevin, Wrongful Eviction
CIVIL I/COMPLEX CIVIL	Asbestos
TAX SALE FORECLOSURE	Tax Sale Annual, Tax Sale Bid Off

MORTGAGE FORECLOSURE	Non-Residential, Residential
STATUTORY CLAIM	Anti-SLAPP, Consumer Protection Act, Exploitation of Vulnerable Adult, Freedom of Information Act (FOIA)
VEHICLE	Personal Injury, Property Damage
TRAFFIC ADJUDICATION APPEAL	No Subtype

*For Case Descriptions, refer to Appendix I.

Distinct Case Types: the housing code regulations cases (housing conditions calendar cases), collection and subrogation cases, tax sale cases, and mortgage foreclosure cases are distinct case types with special rules, processes, and available legal resources. The differences for these case types are discussed as appropriate throughout the plan.

Judge-in-Chambers (JIC)

“Judge-in-Chambers” or “JIC” refers to the courtroom within the Civil Actions Branch that handles a wide variety of emergency hearings, short term cases, and other administrative matters in the Civil Division during the court’s normal business hours, 8:30 a.m. to 5:00 p.m. Applicants/parties may be required to attend a virtual hearing before a judge in JIC. This hearing will rarely be on the same day that the applicant/party initiates the case. The table below lists the most common matters processed in JIC, however, this list is not comprehensive. *See* <https://www.dccourts.gov/services/judge-in-chambers>

Application for Change of Name	Applications for Temporary Restraining Orders (TRO) (Civil)	Subpoenas for Medical Records in Foreign or Out-of-State Cases	Birth Certificate Amendment
Death Certificate Amendment	Application to Waive Court Costs and Fees	Preliminary Injunction	

Temporary Restraining Order

A temporary restraining order (TRO) is typically issued in circumstances requiring immediate action and orders short term relief. A TRO lasts approximately 14 days. A judge can order a party to do or not do something for that brief period of time, including staying away from and/or having no contact with the party requesting the TRO. If filed on the same day of the complaint, TROs are scheduled to be heard in Judge-in-Chambers. At the hearing on a TRO application, the requesting party must show the judge that he or she provided notice to the other party. If the other party did not receive notice, or they do not appear at the hearing, the judge may continue the hearing or deny the TRO Motion. The parties should come prepared with any evidence or witness testimony that would support the request for a TRO.

Requests for Preliminary Injunction

Requests for injunctive relief that last longer than 14 days are called requests for a preliminary injunction. Preliminary Injunction (PI) requests filed with a new complaint or before the Initial Scheduling Conference of an active case are assigned to JIC. If the PI request is filed in an active case after the Initial Scheduling Conference, it is then assigned to the judge appointed to the case. A party may file a request for a TRO, a PI, or both.

A complaint must be filed in order to file a motion for TRO or PI. It is not necessary to file a separate motion for both types of relief. Each request for relief, if filed separately, requires a fee of \$20 each, for (1) the temporary restraining order, and (2) for the preliminary injunction. In addition to the filing fee for the motion(s), the party must pay the \$120.00 filing fee for the complaint unless eligible for a fee waiver by filing an Application to Waive Court Cost and Fees, (later discussed).



Legal Assistance

An individual may file a complaint in the Civil Actions Branch on his or her own behalf without the assistance of an attorney. A person who is not an attorney may not file a case on behalf of another person or a business. Corporations and certain other businesses must be represented by an attorney at all times, including when the complaint is filed.

If a natural person wishes to proceed without an attorney, the clerk’s office can answer basic questions about how to fill out forms and give other general information. However, the clerk’s office staff cannot give legal advice. The clerk’s office is not allowed to answer questions about what to ask the court, whether someone can be sued for a particular reason, how likely it is that a case will be successful, or any other issue that will affect legal rights. As a result, self-represented parties are strongly encouraged to seek the advice of an attorney.

All parties are expected to understand and follow the procedures and rules for civil action cases. Therefore, self-represented parties who want legal assistance should seek it prior to the scheduled court date to be prepared for the hearing. The Consumer Law Resource Center and other legal

service providers listed below are available to assist with certain civil action matters. The resource center is coordinated by the D.C. Bar Pro Bono Center and is not staffed by court employees. The legal service providers must be contacted directly for their hours of operations and procedures.

Legal Services for Self-Represented Parties

Consumer Law Resource Center	Free information for unrepresented consumers with consumer law matters governed by D.C. law, including Debt Collection, Home Improvement/ Independent Contractor Disputes, Security Deposit Refunds, Small Claims Cases, Used Car or Car Repair Disputes, Utility Disputes, and Violations of the Consumer Protection Procedures Act.	DC Superior Court, Building B 510 4th Street, NW Room 208 Washington, DC 20001 https://www.lawhelp.org/dc/organization/consumer-law-resource-center
Consumer Law Court-Based Legal Services	Same-day assistance for eligible defendants in collections cases and foreclosure cases	DC Superior Court, Building B 510 4th Street, NW Collections - Courtroom 205 Foreclosure - Courtrooms 205 and 214
The D.C. Bar Advice and Referral Clinic	Free assistance with any civil legal problem governed by D.C. law or federal law including bankruptcy/debt collection, civil rights, consumer law, employment law, health law, housing law, personal & property damage, public benefits and tax law	DC Bar 901 4 th Street NW Washington DC (202) 626-3499
The D.C. Bar Legal Information Help Line	Automated system of recorded messages giving basic information on more than 30 legal topics, finding an attorney, and the availability of free legal services in D.C.	DC Bar 202-626-3499

Clerk's Office Information

The Civil Actions Branch Clerk's office is located in Room 5000 of the Moultrie Courthouse Building located at 500 Indiana Avenue, N.W., Washington, D.C., 20001. The office is open weekdays from 8:30 a.m. to 5:00 p.m. and for document filing only on Saturdays from 9:00 a.m. to 12:00 p.m.

The Civil Actions Branch processes filings submitted in-person and electronically. Forms are provided for use by litigants on the courts website at

<https://www.dccourts.gov/services/forms/forms-by-location?location=civilactions>.

The Civil Actions Branch also processes requests for default judgments and execution of post-trial judgments including writs of attachment. Documents can also be submitted through U.S. Postal Mail and via the afterhours drop box located in the lobby of the Moultrie Courthouse.

The Clerk's Office may be contacted via telephone, email, and internet chat line during normal business hours as follows:

Civil Actions Clerk's Office: (202) 879-1133

Email Address: CivilDocket@dcsc.gov

The Civil Actions Branch “**Live Chat**” (chat line) feature is available Monday through Friday from 8:30 a.m. to 5:00 p.m. at: <https://www.dccourts.gov/services/civil-matters>. Note: the chat line icon is on the right side of the screen on this page. Customers leaving internet chat messages and email messages after normal business hours will receive a response the next business day.

Electronic Filing and Case Management System

The Civil Division has a paper on demand process meaning that all parties are required to keep the original unaltered documents through the conclusion of the case, including the final resolution of any and all appeals or the expiration of the time for appeal. In other words, the Civil Actions Branch does not retain paper records. Self-represented parties may file documents in paper in the Civil Actions Clerk's Office. All documents must be on white paper, size 8 ½ x 11. When the paper document is filed, the clerk scans/saves the document in the court's case management system and once scanned, returns the original document(s) to the filer. See [Administrative Order 2014-11](#) pertaining to the court's policy to eliminate the production and storage of paper documents.

Mandatory e-Filing

Although lawyers are required to file and serve documents electronically, self-represented litigants are not required to e-file but have the option do so if they chose to register. Documents filed by a member of the D.C. Bar must be submitted electronically via EFILEDC. All filing fees are collected via EFILEDC. See Administrative Order 22-30 (Mandatory eFiling Civil, Probate and Tax Divisions). Law schools and legal services organizations that provide direct civil legal services to low-income and underserved litigants listed in [Administrative Order 22-30](#) (“Exemption from Electronic Filing”) are exempt from mandatory e-Filing. See [DC Superior Court E-Filing](#) for more e-Filing services information through EFILEDC.

Filing Fees

Filing fees and court registry payments can be paid by cash, certified check, credit card (Discover, Visa or MasterCard), virtual wallet (Apple Pay or Google Pay), personal check, debit card, or money order. The check should be made payable to: “Clerk of the Courts.” All customers of the District of Columbia Courts are able to pay for their transactions with a personal check up to \$5,000. Any funds presented with a personal check above \$5,000 must be paid with a certified check, cash, and/or money/order. There is a transaction fee for the use of a credit card or debit card. A list of all [filing fees](#) can be accessed on the internet.

Online Payment Portals

Certified copy and record research requests fees may be paid via the court's PromptPay online payment portal. Court registry and protective order payments may be paid via the PromptPay online payment portal. An email request for the specific service must be sent to civildocket@dcsc.gov to receive an invoice that will include a link to make an online payment up to \$1,000 per thirty (30) days.

Waiver of Court Costs

If a party is unable to pay court costs, fees, or security without substantial hardship to self or his/her family, the court may waive the requirement to prepay court costs and fees. *See* Super. Ct. Civ. R. 54-II. To request that the court waive prepayment of court costs, the party must file an Application to Waive Court Costs and Fees [Form 106A](#). The clerk will review the Fee Waiver and approve if certain criteria are satisfied. If the clerk is unable to approve the application, it will be forwarded to a judge for a decision. A judge may approve the application with or without a hearing. If there is good cause to believe the information contained in the Fee Waiver Application is inaccurate or misleading, or that the applicant has undergone a change of circumstances or submitted an incomplete application, the court may require additional evidence in support of the application for fees/costs waiver. When a request to proceed without prepayment of costs is granted, the court is only responsible for attempting to serve the complaint, summons, initial order, and all subpoenas on behalf of a litigant. Additionally, while the court will attempt to serve by mail the complaint, summons, and initial order, the court cannot guarantee that the service method will be successful, and the ultimate burden of demonstrating proof of service remains on the litigant. If fee waiver status is granted, it may not completely waive responsibility to pay court costs because, although a rare circumstance, a judge could order a person to pay the court costs at the end of the case. If the application is denied, all court costs must be paid by the filing party.

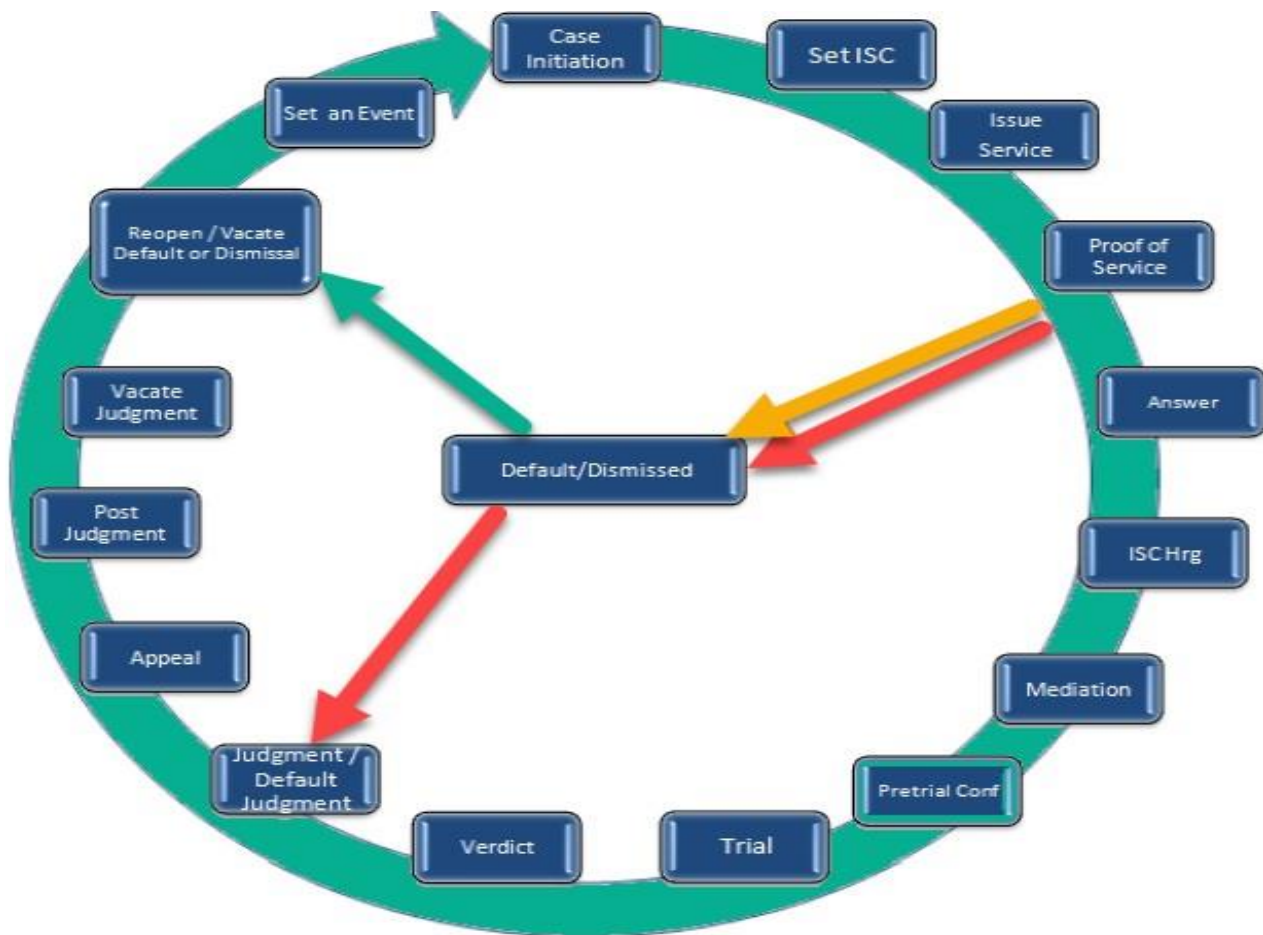
Court Cases Online

Records in civil case types are public and, therefore, may be viewed online unless the records are sealed. The dockets for civil cases may be viewed via [Portal](#) on the court's website.

The Lifecycle of a Civil Actions Case

The remainder of this Case Management Plan explains how the court manages each stage in the lifecycle of a typical civil action. Below is an image and brief description of the lifecycle of a typical CAB, Civil II case.

CAB CASE FLOW - BELTWAY MODEL



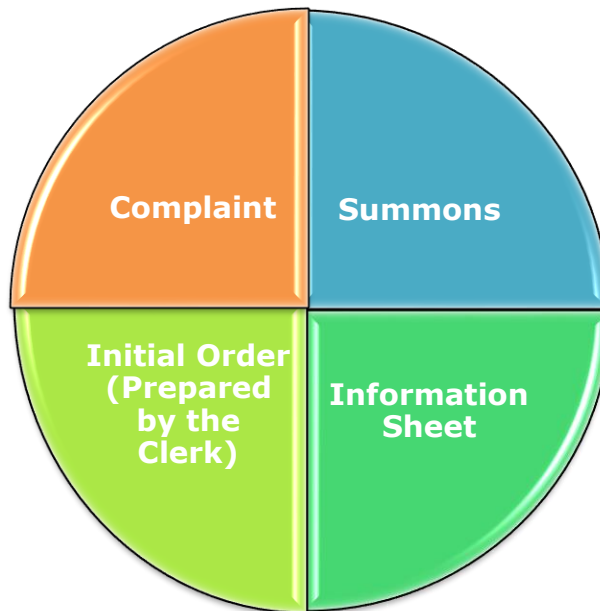
1. Plaintiff files a complaint, summons, and information sheet;
2. Clerk initiates case and schedules an initial scheduling conference hearing;
3. The clerk issues the summons and provides documents to filer to effect service;
4. Plaintiff serves defendant with the complaint and summons and files an affidavit of service; If plaintiff does not file proof of service within the 60-day or allotted timeframe, the clerk will dismiss the case;
5. Defendant answers complaint; if the defendant does not file an answer/responsive pleading within the 21-day or 60-day (government entity) allotted timeframe, or make an appearance in the case, the clerk will enter a default;
6. If a default is entered, the plaintiff has 60 days to request a default judgment; if the plaintiff fails to request a default judgment within 60 days, the clerk will dismiss the case;
7. The initial scheduling conference hearing occurs;
8. Parties conduct discovery
9. Parties go through mediation; if case does not settle;
10. The pretrial conference occurs;
11. The trial occurs; followed by the verdict.
12. Court enters judgment.
13. The appeal period and post judgment enforcement period begins.

14. If a case is dismissed and a motion to vacate default or dismissal is granted, a case may be reopened.

Filing a Case

To file a case, the plaintiff must submit a: (1) [Complaint form](#); (2) [Summons form](#) for each defendant; and (3) [Information Sheet](#).

Components of the Complaint Package:



Complaint

A civil action is commenced by filing a complaint with the court. *See* Super. Ct. Civ. R. 3. The plaintiff must be at least 18 years of age to file a case. However, a minor or an incompetent person can only sue through a representative, a next friend or a guardian *ad litem* appointed by the court. *See* Super. Ct. Civ. R. 17(c).

The complaint must contain:

- 1) A short and plain statement of the grounds for the court's jurisdiction;
- 2) A short and plain statement of the claim showing that plaintiff is entitled to relief and
- 3) A demand for the relief sought.

See Super. Ct. Civ. R. 8.

The complaint and subsequent papers must include the party's full name, full residence address, and unless the party is represented by counsel, the party's telephone number and email address, if any. *See* Super. Ct. Civ. R. 10-I. If a party is represented by counsel, all pleadings or other papers shall set forth the name, office address, telephone number, e-mail address, and bar number of the attorney.

The names, addresses, telephone numbers and email addresses provided will be conclusively

deemed to be correct and current. The plaintiff's address must be included on the complaint form at the time of filing. If no address is included on the complaint, the clerk will reject the complaint. The complaint must be signed by the self-represented plaintiff or plaintiff's attorney. *See* Super. Ct. Civ. R. 11.

The cost for filing a complaint is \$120.00. The clerk will review the complaint and if accepted, date, sign and assign a case number.

Summons

A summons is required for each defendant named in the complaint. The summons provides a deadline within which the defendant must file a response to the complaint and the possible consequences that may occur for failure to respond within the prescribed timeframe. The clerk will sign and seal each summons for issuance to the defendant(s). There is no fee for the first initial summons filed for a defendant; however, the initial summonses to more than one address for a defendant or for service against the District of Columbia or the Mayor requires a fee of \$10 for each. If the plaintiff requests another summons to be served on the defendant after the initial summons, it is called an *alias summons*. The cost for an alias summons is \$10.00 each.

Information Sheet

The plaintiff must complete and file a Civil Action Branch Information Sheet which is a form that provides basic information including the parties' names, demand amount, and nature of the case. The plaintiff must also include whether there are pending related cases and whether a defendant is being sued in their official capacity. The Information Sheet is an internal document that is used to enter information into the case management system to initiate the case.

Initial Order and Addendum

After the case is processed, a judge is assigned, and the Initial Scheduling Conference scheduled, the clerk prepares an Initial Order that is attached to the original complaint. The Initial Order and addendum are computer-generated forms that include the following information:

- the deadline for the plaintiff to file proof of serving each defendant;
- the deadline for the defendant to answer the complaint;
- the name of the judge assigned to the case;
- the number, location, and remote access information of the judge's courtroom;
- the time and date of the initial scheduling conference;
- In medical malpractice cases only, an addendum detailing information is attached.
- In mortgage foreclosure cases only, a notice to homeowners is attached.

Filing an Amended Complaint

Super. Ct. Civ. R. 15 pertains to amending and supplementing pleadings. Pleadings include complaints and answers to a complaint. A party may amend its pleading once as a matter of course no later than 21 days after serving it or 21 days after service of a responsive pleading (if a responsive pleading is required); or 21 days after service of a motion under Super. Ct. Civ. R. 12(b), (e), or (f) – whichever is earlier. In all other cases, a party may amend only with the written consent of the opposing party or the court's leave. The decision whether to grant a motion for leave to amend a complaint (or pleading) is within the discretion of the court. The court, however, should freely grant leave to amend when justice so requires. *See* Super. Ct. Civ. R. 15(a)(3).

Additional Filing Information

The following sections pertain to several additional subject areas pertaining to: filing actions involving real property; filing sealed or confidential cases or documents; privacy protections for filings made with the court; filing a medical malpractice case against a healthcare provider; and filing a Housing Conditions Complaint.

Filing a Sealed or Confidential Case or Documents

No case or document may be sealed without a written court order unless there is statutory authority to seal. For this reason, any document filed with the intention of being sealed must be accompanied by a motion to seal or filed with an existing written order authorizing sealing. *See* Super. Ct. Civ. R. 5-III for additional details regarding procedures for motions to seal and other procedures regarding filing requirements of sealed documents. Failure to file a motion to seal or comply with Rule 5-III will result in the pleading or document being placed in the public record. Sealed materials may be filed by self-represented litigants and exempt legal resource providers in the clerk's office during regular business hours. Filers represented by an attorney must submit sealed or confidential documents electronically. Filing of sealed materials at the afterhours drop box is prohibited.

Privacy Protections for Filings:

Pursuant to Super. Ct. Civ. R. 5.2, a party or nonparty must redact the following information from an electronic or paper filing:

- Social security numbers
- Taxpayer-identification number;
- Driver's license or non-driver's license identification card number
- Birth date
- The name of a known minor
- Financial account number

The responsibility for redacting personal identifier information is solely the responsibility of the person or entity making the filing. *See* Rule 5.2 for certain acronyms, such as "SS#" that are allowed and other procedures pertaining to redaction.

Filing a Medical Malpractice Case

A party intending to file a medical malpractice case against a healthcare provider is required to notify the intended defendant of his or her action no less than 90 days prior to filing the action. The claimant is required to put the healthcare provider "on notice of the legal basis for the claim and the type and extent of the loss sustained, including information regarding the injuries suffered." *See* D.C. Code §16-2802.

Housing Conditions Calendar Complaint

The housing conditions calendar allows tenants to sue landlords for D.C. Housing Code violations on an expedited basis. The housing conditions calendar is limited in nature and only available for those seeking to enforce compliance with D.C. Housing Code Regulations, 14 D.C.M.R. §§ 500-900, 1200. Tenants seeking other relief, such as monetary relief for the condition of the property, return of a security deposit, personal injury, or possession of rental property, should file a separate, non-housing conditions claim in the Small Claims Branch or in the Civil Actions Branch, or as a counterclaim to a Landlord & Tenant case.

To file a case, the plaintiff/tenant may e-File the complaint and summons or file the complaint and summons with the Civil Actions Branch Clerk's office, Moultrie Courthouse located at 500 Indiana Ave., N.W., Room 5000. A copy of the complaint and summons must then be served on the defendant/landlord.

Additional information on [how to file a housing code complaint](#) and the [Complaint Instructions Sheet](#) are available online.

Serving the Defendant – Methods and Timing of Service

Once the clerk processes the complaint, the plaintiff will receive the file-stamped complaint, the completed summons to be served, the initial order and any attachments from the clerk. The plaintiff is responsible for serving each defendant with these documents pursuant to Super. Ct. Civ. R. 4(c)(1). Pursuant to Super. Ct. Civ. R. 4(m), the plaintiff has 60 days after the complaint is filed to serve the complaint and the additional documents upon the defendant and to file proof of service with the court. For collections cases, the plaintiff has no later than 90 days after the filing of the complaint to serve the defendant. For actions to foreclose the right of redemption filed pursuant to D.C. Code §47-1370 (tax sale cases), the plaintiff must file a separate acknowledgment or proof of service for each defendant who has not responded to the complaint no later than 180 days after the complaint was filed. For housing conditions cases, the tenant is responsible for serving the landlord at least eight calendar days in advance of the hearing. Failure to file proof of service may result in the dismissal of the complaint.

A defendant can be served by the following methods:

- a process server (personal service)
- certified or registered mail
- first-class mail with notice and acknowledgement (which requires the defendant to sign and return the acknowledgement form)

Alternative Methods of Service

If a party is unable to accomplish service of process after diligent efforts under the traditional service methods stated in Rule 4(c) or (e) (1)-(2), the court may permit an alternative method of service such as delivery to an individual's employer or transmittal by e-mail. The party seeking to use an alternative method of service must file a motion with an affidavit specifying the diligent efforts to serve, and must receive court approval prior to attempting to serve by an alternative means. *See* Civil Rule 4(e)(3).

Process Server

A competent person who is at least 18 years of age and not a party to the case or otherwise interested in the case can serve the defendant. The plaintiff does not have to hire a company to serve the papers, but if a process server is hired, the plaintiff is required to pay the costs. The process server must serve the documents directly to the defendant or to an adult residing at the defendant's home or usual place of abode, or, to an agent authorized by appointment or law to receive service of process. *See* Super. Ct. Civ. R. 4(e)(2).

Proof of Service

The plaintiff must file an [Affidavit of Service by Special Process Server form](#) providing information about the process server and when and how the defendant was served; or the defendant may file a declaration of service form which complies with Super. Ct. Civ. R. 9-I.

Registered or Certified Mail

The plaintiff may serve a defendant by mailing a copy of the complaint package by registered or certified mail, return receipt requested which is commonly referred to as the “green card.” If service is made by registered or certified mail, the plaintiff must attach the signed receipt to an affidavit that states the caption, case number, the name and address of the person who posted the registered or certified mailing, and the fact that the letter contained the summons, complaint, initial order, and any addendum or other order directed by the court. *See* Super. Ct. Civ. R. 4(c)(4).

First Class Mail

The third way to serve a defendant is by mailing a copy of the complaint package by first-class mail, postage prepaid, to the defendant. The filing party must also include two copies of a [Notice and Acknowledgment of Service](#) and a return envelope, postage prepaid, addressed to the plaintiff. *See* Super. Ct. Civ. R. 4(c)(5). The plaintiff is responsible for filing the acknowledgment form, which must contain the defendant’s signature acknowledging receipt of the complaint package. If the defendant fails to acknowledge service, plaintiff may serve defendant by another method and ask the court for their costs of using another method. Super. Ct. Civ. R. 4(c)(5)(B).

Service by Publication

Only in certain types of actions, as specified by statute, when all else fails in attempting to locate a defendant for purpose of effecting service, a plaintiff may seek to serve by publication; i.e., publication by way of a newspaper, may be substituted for personal service. *See* D.C. Code §13-336.

Serving a Corporation, Partnership, or Association

Unless applicable law provides otherwise, or the defendant’s acknowledgment has been filed, to serve a domestic or foreign corporation, partnership or other unincorporated association within the United States, the plaintiff is required to effect service in the manner set forth in Super. Ct. Civ. R. 4(e)(1) for serving an individual; or by delivering a copy of the summons, complaint, initial order; any addendum to that order, and any other order directed by the court to the parties at the time of filing to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and – if the agent is one authorized by statute and the statute so requires – by also mailing a copy of each to the defendant. Super. Ct. Civ. R. 4(h) (1) and (2). pertaining to serving a corporation, partnership or association at a place not within the United States. *See* Super. Ct. Civ. R. 4(i) pertaining to serving the United States and its agencies, corporations, officers or employees.

Serving the District of Columbia

To serve the District of Columbia, Super. Ct. Civ. R. 4(j) (3) requires that the District of Columbia must be served by delivering or mailing a copy of the summons, complaint, initial order; any addendum to that order, and any other order directed by the court to the parties at the time of filing to the Mayor of the District of Columbia (or designee) and the Attorney General of the District of Columbia (or designee). *See* Super. Ct. Civ. R. 4(c)(2)-(3) and (4) (c)(4).

Serving a District of Columbia Agency, Officer or Employee Sued only in an Official Capacity

To serve a District of Columbia agency or a District of Columbia officer or employee sued only in an official capacity, a party must serve by delivering or mailing a copy of the summons, complaint,

Initial Order; any addendum to that order, and any other order directed by the court to the parties at the time of filing to Mayor (or designee), the Attorney General (or designee), as well as the agency officer, or employee. Super. Ct. Civ. R. 4 (j)(3)(D).

Extending Time to Serve

Before the expiration of the time limit for service, a plaintiff may make a motion to extend the time for service. The motion must set forth details explaining the efforts made, as well as future efforts, to effect service. Except for cases governed by Super. Ct. R. 40-III (collection and subrogation cases), the court, upon good cause, must extend the time for an appropriate period. Super. Ct. Civ. R. 4(m).

Filing an Answer, Counterclaim, Crossclaim, or Third-Party Claim

The defendant (other than the District of Columbia, an officer or agent of the District of Columbia, or other government entity) usually has 21 days after being served with the complaint, summons and initial order to file an [Answer](#) or a Motion to Dismiss the Complaint. *See* Super. Ct. Civ. R. 12(a)(1). The defendant must file an answer or motion to dismiss with the court and provide a copy to the plaintiff. If a defendant files a motion to dismiss, the defendant does not have to file an answer unless the court denies the motion. If the court denies the motion, the defendant has 14 days to file an answer. *See* Super. Ct. Civ. R. 12 (a)(4). The District of Columbia, an officer or agency, or other government entity has 60 days to answer the complaint. The 21-day or 60-day period begins on the day the defendant is served with the summons. Pursuant to Super. Ct. Civ. R. 8(b)(6), an allegation asserted in the complaint (other than one relating to the amount of damages) is admitted, if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided. *See* Super. Ct. Civ. R. 13 pertaining to filing counterclaims and cross claims; Super. Ct. Civ. R. 14 pertaining to when a defending party may bring in a third-party and procedure regarding filing of a third-party complaint.

Filing a Motion

Any request for the court to issue an order or ruling must be made by motion. *See* Super. Ct. Civ. R. 7(b)(1). A motion may be made orally before the judge in the courtroom or may be filed in writing. If a motion is not dispositive of the entire case, the party filing a motion must try to find out whether the opposing party will consent to the relief sought before filing a motion. *See* Super. Ct. Civ. R. 12-I (a) pertaining to motions practice. If consent is obtained, the motion shall state “Consent” in the title. No response is required to a consent motion. All parties must be served with a copy of the motion and a courtesy copy must be provided to the judge. A certificate of service must be included with the motion that states the name and address of all of the parties to whom the motion was mailed and the date the motion was mailed. Copies of any order entered by the court will be docketed and mailed to the parties. The fee for filing a motion is \$20.

Specific points and authorities and a proposed order for the court’s signature must be filed with the motion. However, the previous rule requirement to file a separate memorandum of points and authorities has been eliminated. The order should list all persons and their current addresses to which a copy of the order shall be sent.

Filing an Opposition

Within 14 days after service of the motion or at such other time as the court may direct, an opposing party may file and serve a statement of opposing points and authorities in opposition to the motion. If a statement of opposing points and authorities is not filed within the prescribed time, the court may treat the motion as conceded. *See* Super. Ct. Civ. R. 12-I (e). There is no fee to file an opposition.

Filing a Reply

Within 7 calendar days after service of the opposing statement, the moving party may file and serve a reply.

Continuances

A party can request a hearing to be continued via motion or orally in court. The Civil Actions branch may continue the Initial Scheduling Conference once via telephone. The requesting party is responsible for contacting the opposing party to obtain consent to the request for continuance. However, a request to continue a hearing does not automatically excuse the party from attending or participating in the hearing. If the party is not present in court, the party is responsible for contacting the clerk's office to find out whether the continuance was approved.

Motion for Summary Judgment

A motion for summary judgment is a specific type of motion. Unless the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery. In a motion for summary judgment, a party identifies each claim or defense (or the part of the claim or defense) on which summary judgment is sought. The court grants summary judgment if the movant shows that there is "no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." *See* Super. Ct. Civ. R. 56.

Entry of Default

If the defendant does not file a response to the complaint or a motion for an extension of time to file a response within the 21-day (or 60-day time period allowed for a government entity), the clerk will enter a default against the defendant. The default does not take effect until 14 days after its entry. *See* Super. Ct. Civ. R. 55(a)(2).

The defendant can file a motion requesting to vacate the default. This motion must be accompanied by a verified answer setting forth any defenses to the complaint unless the parties have entered into a settlement agreement, consent judgment, or the defendant is asserting lack of jurisdiction. *See* Super. Ct. Civ. R. 55(c). The default can also be vacated by the clerk with consent of the parties. *See* Super. Ct. Civ. R. 55-III. The cost for the motion is \$20.

Default Judgment

The plaintiff can request a default judgment from the clerk by filing a praecipe or declaration stating a specific amount in damages that is owed by the defendant. The clerk can enter the default judgment against a defendant if the plaintiff's claim is for a sum certain or a sum which can by computation be made certain, and the plaintiff filed a verified complaint which is a complaint made under oath or under penalty of perjury. The request for default judgment must be filed no sooner than 21 days after service of the verified complaint or affidavit required by Super. Ct. Civ. R. 55(b)(1), but not later than 60 days after the entry of default. In addition, the plaintiff must file a

Servicemembers Civil Relief Act Affidavit (discussed below) verifying that the defaulting party is not in the military. The plaintiff can also file a motion requesting the court to issue a default judgment. *See* Super. Ct. Civ. R. 55(b)(2).

Servicemembers Civil Relief Act

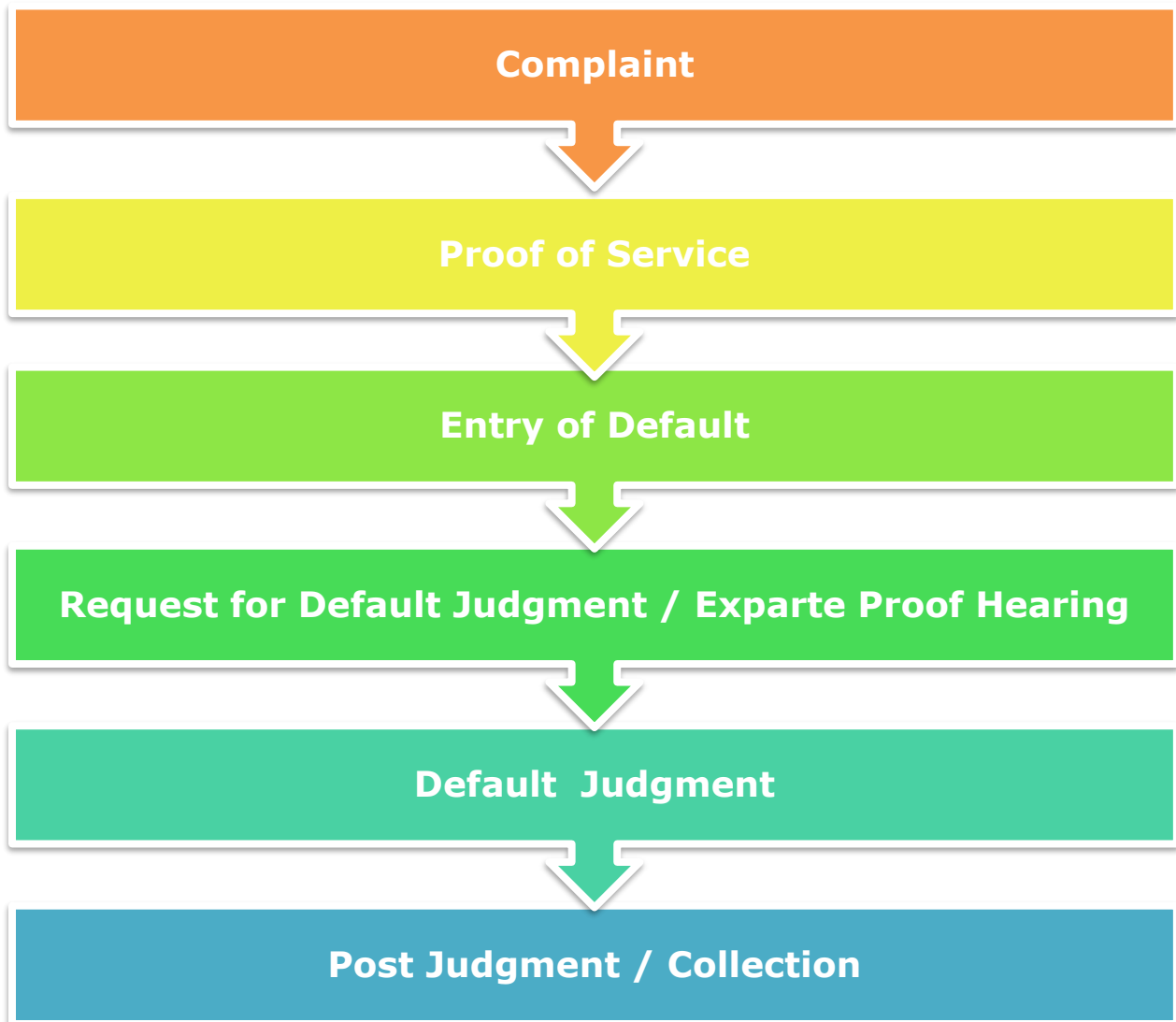
The Servicemembers Civil Relief Act (2003) (50 U.S.C. §§ 3901-4043) provides that in any civil action or proceeding in which a default has been entered by the court, the plaintiff must file an affidavit “stating whether or not the defendant is in the military service and [show] necessary facts to support the affidavit.” In order to better comply with the requirements of the Servicemembers Civil Relief Act, the court has created an Affidavit in Compliance with the Servicemembers Civil Relief Act Form (CA 114). Super. Ct. Civ. R. 55 and 55-II require the use of [Form CA 114](#) in all proceedings in the Civil Division in which a default has been entered.

A separate affidavit must be filed for each defendant named in the complaint and against whom a default has been entered. The search results required for the form must be conducted not more than 30 days before the filing of the affidavit. The [instructions](#) for filling out Form CA 114 are found on the court’s website. *See* Super. Ct. Civ. R. 55.

Ex Parte Proof Hearing

After a default has been entered, the plaintiff may also request the court to hold an ex parte proof hearing, at which the plaintiff would have an opportunity to prove damages. The party seeking damages must bring proof of the damages. Even if the other side defaults, the defendant is entitled to notice of the hearing and a chance to challenge the plaintiff’s evidence and to present evidence of their own relating to mitigation of damages. This hearing, whether virtual or in person, may also involve multiple witnesses and exhibits. *See* Super. Ct. Civ. R. 55-II. Ex parte proof hearings are set no sooner than 14 days after the entry of default. It usually involves the plaintiff being present only. There are some instances when the defendant will appear at the hearing, and the defendant may ask the court to vacate the default. A default judgment gives the plaintiff the same rights as a judgment entered after a trial.

Default Judgment Process



Dismissal of Actions

A civil action can be dismissed by the parties at any stage of the case by either the plaintiff or by consent of the parties. *See* Super. Ct. Civ. R. 41. This is considered to be a voluntary dismissal. The plaintiff can dismiss an action by stipulation, subject to the provisions of Rules 23(e), 23.1(c), 23.2 and 66 or any applicable statute, without a court order any time before service by the adverse party of an answer or of a motion for summary judgment. The parties can also dismiss an action by filing a stipulation of dismissal signed by all parties who have appeared in the action. *See* Super. Ct. Civ. R. 41(a).

As stated above, a civil action can be dismissed by the court for failure of the plaintiff to prosecute or comply with the Rules or any order of court. *See* Super. Ct. Civ. R. 41(b).

Initial Scheduling Conference and Settlement Conference

The first court hearing before the assigned judge is the initial scheduling conference and settlement conferee. This event usually occurs within 90 to 120 days after the filing of the complaint and is

generally scheduled as a remote hearing, but any party may appear in person for the hearing. The date and time are indicated on the initial order, which is issued to the plaintiff when the complaint is filed. *See* Super. Ct. Civ. R. 16.

The initial scheduling conference presents an opportunity for the parties to settle the case. A scheduling order is issued that sets a track for discovery, motions, ADR and pretrial conference deadlines. If the parties do not settle, the judge will select a form of ADR by which parties may resolve the case without going to trial.

No appearance from the attorneys is required for the scheduling conference if a “praecipe in lieu of appearance” conforming to the format of Civil Action Form 113 ([Praecipe Requesting Scheduling Order](#)) signed by all attorneys is filed. The praecipe must be filed no later than seven calendar days prior to the scheduling conference date. *See* Super. Ct. Civ. R. 16(b)(2).

Due to the expedited process for housing conditions cases, the first court hearing is scheduled within a month after the complaint has been filed and in most instances within three weeks.

Scheduling Orders

A scheduling order is a court order designed to manage the flow of a case from the date it is entered through the beginning of a trial. It identifies the specific track on which the case has been placed based on the particular case type. This order may not be modified except by leave of court upon a showing of good cause. *See* Super. Ct. Civ. R. 16 (b)(3)-(7). It is recommended that Civil Rule 16 be read in its full entirety because it reflects procedures as to the overall management of a civil case and also reflects procedures instituted to reduce delay in civil litigation.

Scheduling Order Civil II Tracks

	<u>Track I</u>	<u>Track II</u>	<u>Track III</u>
Exchange Lists of Fact Witness	30 Days	60 Days	90 Days
Proponent’s Rule 26(a)(2)(B) Report	37 Days	67 Days	104 Days
Opponent’s Rule 26(a)(2)(B) Report	51 Days	90 Days	140 Days
Discovery Requests	65 Days	104 Days	150 Days
Close of Discovery	95 Days	134 Days	180 Days
Filing Motions	125 Days	164 Days	210 Days
Dispositive Motions Decided	155 Days	194 Days	240 Days
ADR Mediation Case Evaluation	170-200 Days	209-239 Days	255-285 Days

Pre-Trial	230-260 Days	269-299 Days	315-345 Days
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Scheduling Order Vehicle Tracks

	<u>Track V1</u>	<u>Track V1 Fast</u>	<u>Track V2</u>	<u>Track V2 Fast</u>
Exchange Lists of Fact Witnesses	30 Days	30 Days	60 Days	60 Days
Proponent's Rule 26(a)(2)(B) Report	37 Days	37 Days	67 Days	67 Days
Opponent's Rule 26 (a)(2)(B) Report	51 Days	51 Days	90 Days	90 Days
Discovery Requests	65 Days	65 Days	104 Days	104 Days
Close of Discovery	95 Days	95 Days	134 Days	134 Days
Filing Motions	125 Days		164 Days	
Dispositive Motions Decided	155 Days		194 Days	
ADR Mediation Case Evaluation	Approx. 15 Days from Disp. Mtn. Decided	Approx. 15 Days from Disc. Closed	Approx.15 Days from Disp. Mtn. Decided	Approx. 15 Days from Disc. Closed
Pre-Trial	30 Days from ADR Date	30 Days from ADR Date	30 Days from ADR Date	30 Days from ADR Date

Scheduling Order Medical Malpractice Tracks

	<u>Track M</u>	<u>Track MS</u>
Exchange Lists of Fact Witnesses	90 Days	120 Days
Proponent’s Rule 26(a)(2)(B) Report	105 Days	135 Days
Opponent’s Rule 26(a)(2)(B) Report	140 Days	170 Days
Discovery Requests	180 Days	210 Days
Close of Discovery/Status Hearing	210 Days	240 Days
Filing Motions	240 Days	270 Days
Dispositive Motions Decided	300 Days	330 Days

Scheduling Order for Collections/Subrogation

	<u>Track M</u>	
Close of Discovery	45 Days	
Filing Motions	75 Days	
Mediation/Trial	105 - 135 Days	

Alternative Dispute Resolution (ADR)/Mediation

Alternative Dispute Resolution or “ADR” is the parties’ opportunity to have a neutral mediator try to resolve the case in a way that is satisfactory to all parties and that does not involve the delays and burdens of a trial and possible appeal. The mediation session is generally scheduled after discovery is complete and the judge has decided any motions that could resolve the case. All parties in Civil Actions cases are required to participate in mediation.

During the initial scheduling conference, the parties select a track that includes mediation. A specific date for the session will be scheduled by the judge at the initial scheduling conference or later by the Multi-Door Dispute Resolution Division.



In mediation, a neutral third party (the mediator) assists parties in a dispute by communicating their positions on issues and exploring possible solutions or settlements. The mediator has no decision-making authority and does not give a formal evaluation of the case, but rather prompts the parties to assess their relative interests and positions and to evaluate their own cases by the exchange of information, ideas and alternatives for settlement. Cases may be settled at any point prior to mediation or before trial. Prior to mediation, all parties are required to submit a case type specific Confidential Settlement Statement (“CSS”) to the Multi-Door Dispute Resolution Division. Parties should not file this form with the clerk’s office. The CSS is intended to provide valuable information to your mediator to prepare for mediation. Please find the links for the appropriate CSS forms: [residential foreclosure mediation CSS](#), [self-represented litigants](#), [represented parties](#).

For more information regarding Alternative Dispute Resolution, please visit the court’s website for [Civil Mediation](#) or contact the Multi-Door Dispute Resolution Division at (202) 879-1549. Their office is located in Court Building C, 410 E Street, N.W., Washington, D.C., 20001.

Pretrial Conference

The judge holds a pretrial conference when a case is ready for trial and efforts to resolve it through ADR were not successful. If a pretrial conference date has not been selected and if the parties fail to reach a settlement at ADR, a date for the pretrial conference will be selected after the ADR conference. In most cases, the pretrial conference is scheduled no sooner than 30 days after the completion of ADR. At the pretrial conference, the judge schedules the trial and issues an order setting the guidelines for the trial. Trials are usually scheduled 2-6 months after the pretrial conference.

The parties must meet five weeks prior to the pretrial conference to try to reach an agreement on

important issues. *See* Super. Ct. Civ. R. 16(c). At that time, each party must identify each of its trial witnesses, each document or photograph to be used at trial, and if it is a jury trial, each jury instruction to be given by the judge. Four weeks before the pretrial conference, each party must file and serve any motion related to the conduct of the trial and deliver it to the judge. One week prior to the pretrial conference, the parties must file with the court and deliver to the assigned judge a joint pretrial statement which shall include a certification of the date and place of the meeting held and that explains, among other things, any objection each party has to the other party's proposed trial witnesses and exhibits.

At the pretrial conference, the judge may try to help the parties reach a settlement. Each party and counsel must attend in person. If a party is an organization, it must bring a person to the pretrial conference that has the authority to settle the case, or the entity must get the judge's permission to have that person appear remotely. Super. Ct. Civ. R. 16 (j). Failure to attend the pretrial conference may result in the judge dismissing the case, entering a default, or imposing a fine. *See* Super. Ct. Civ. R. 16-II.

Trial Readiness Hearing

Many judges on the Civil II calendars will schedule a trial readiness hearing to take place 1-2 weeks prior to trial. The purpose of the trial readiness hearing is to address any procedural or substantive issues that have arisen since the pretrial conference, review proposed voir dire and the jury selection process, and resolve (to the extent possible) objections to witnesses or exhibits.

Trial

A trial date, in the majority of cases, is set during the Pretrial Conference. However, the judge has the discretion to set a trial before the Pretrial Conference based on party and attorney availability. Generally, under the court's Trial Date Certainty Performance Measure, there are no more than two trial settings per case. At the trial, each side has a chance to present evidence about its side of the story. The parties must be ready to present all the evidence that will convince a judge or a jury to decide in the party's favor. It is usually too late to present new information after the trial has ended.

At the trial, the plaintiff goes first because the plaintiff has the burden of proof. That means it is up to the plaintiff to prove his or her claim by a preponderance of the evidence. The plaintiff has to prove that it is more likely than not that his or her claim is true. The defendant can question any witnesses the plaintiff calls. After the plaintiff presents his or her case, the defendant can call additional witnesses and present other evidence. The plaintiff has the right to question any witnesses the defendant calls. After the defendant presents his or her case, the judge may give the plaintiff a chance to present evidence to disprove what the defendant presented and that the plaintiff could not anticipate.

Entry of Judgment

Upon the conclusion of a jury or non-jury trial which is also referred to as a "bench trial" or the granting of a motion that will dismiss the case, the court will enter judgment. After the entry of judgment, the prevailing party must wait 14 days before executing on the judgment.

Collection of a Money Judgment

The Superior Court does not collect or pay the judgment award to the prevailing or winning party. As a result, it is the prevailing party's responsibility to pursue collection of the money judgment issued by the court.

Writ of Attachment

The prevailing party may apply for a Writ of Attachment on the judgment. A Writ of Attachment on Wages is a form issued by the court that allows the prevailing party to obtain monies from the losing party's wages. A Writ of Attachment on Other Than Wages is a form issued by the court that allows the prevailing party to attach the losing party's bank account and other personal property. Only one writ of attachment may be issued against a person's wages at a time. *See* Super. Ct. Civ. R. 69-I.

Writ of Fieri Facias

The prevailing party can also issue a Writ of Fieri Facias to obtain the sale of certain property of the defendant to collect the debt owed. However, the judgment must be filed and recorded with the Recorder of Deeds at 1101 4th Street, SW, 5th Floor, Washington, D.C., (202) 727-5374, before a Writ of Fieri Facias can be issued. *See* D.C. Code §16-525.

The Judgment Interest Rate Schedule is available to assist with calculating the interest amount for the judgment and may be accessed online. <https://www.dccourts.gov/sites/default/files/matters-docs/InterestRateSchedule.pdf>

Oral Examination Hearing

If the prevailing party or judgment creditor is not aware of the losing party's assets including bank accounts or place of employment, an oral examination hearing may be requested to determine the whereabouts of the assets or place of employment. An in person hearing may be set at the request of the prevailing party after the entry of judgment or default judgment. To request an oral exam hearing, the judgment creditor must submit a subpoena for the clerk to issue and then must serve the judgment debtor with the subpoena. An oral exam hearing can be held formally on the record or informally off the record in the calendar judge's courtroom. The losing party or judgment debtor is sworn and deposed by the judgment creditor and/or the court in an effort to locate assets or employment information of the judgment debtor. The fee to request an oral exam is \$20. The [subpoena form \(pro se\)](#) and [subpoena form \(for attorneys\)](#) can be found on the court's website.

Certified Copy of Judgment

The judgment creditor (or the party to whom the debt is owed) can request a certified copy of a judgment to present to the judgment debtor (the party that owes a debt) and obtain the judgment debtor's signature upon payment of the judgment. To have a judgment marked paid and satisfied, the judgment creditor can file the receipt of the Certified Copy of Judgment or a praecipe requesting the judgment to be marked paid and satisfied. The clerk can prepare a certificate for verification of a judgment that is paid and satisfied. The fee for a Certified Copy of a Judgment is \$5.00. There is no fee to file the receipt or Praecipe to mark the judgment paid and satisfied.

True Test Copy for Recording with the Recorder of Deeds

To record a judgment with the Recorder of Deeds for the District of Columbia, the judgment creditor can request a transcript for docketing. The clerk prepares the transcript and true test copy. The judgment creditor files the transcript with the Recorder of Deeds. There is a \$10 fee for a transcript for docketing for recording with the Recorder of Deeds.

Triple Certificate

To file a judgment in a foreign jurisdiction, the judgment creditor can request a Triple Certificate. The clerk prepares the Triple Certificate and forwards it to the Chief Judge for signature. It takes three to five business days to receive a Triple Certificate. The clerk mails the Triple Certificate to the judgment creditor. The judgment creditor is responsible for filing the Triple Certificate in the foreign jurisdiction along with any other required documents. There is a \$20 fee for a Triple Certificate.

Foreign Judgment

A judgment creditor (the party for whom judgment was entered) can file a request to file a foreign judgment. A foreign judgment is a judgment that was entered in the United States, but not within the jurisdiction of the District of Columbia. A party might file this because they wish to have the foreign judgment docketed within the District of Columbia for enforcement purposes. The filing fee for the foreign judgment is \$60. *See* D.C. Code §15-352.

Appeal

Notice of Appeal

Either the plaintiff or the defendant may appeal certain decisions to the D.C. Court of Appeals. To begin the appeal process, a [Notice of Appeal](#) must be filed with the Civil Actions Branch Clerk's Office. If the party is appealing an associate or senior judge's decision, the notice must be filed within 30 days after the docketing date of the judgment order. The fee for a notice of appeal is \$100. *See* D.C. Ct. App. R. 4(a).

Judicial Review

If the party wants to appeal a magistrate judge's decision, a motion for judicial review must be filed within 14 days of the entry of the magistrate judge's order or judgment and costs \$20.00. The motion for review must specify the grounds for objection to the magistrate judge's order or judgment, or part of the order or judgment. Within 14 days after being served with the motion for review, a party may file and serve a response. 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. *Super. Ct. Civ. R. 73(b)(4)*.

Notice of Removal

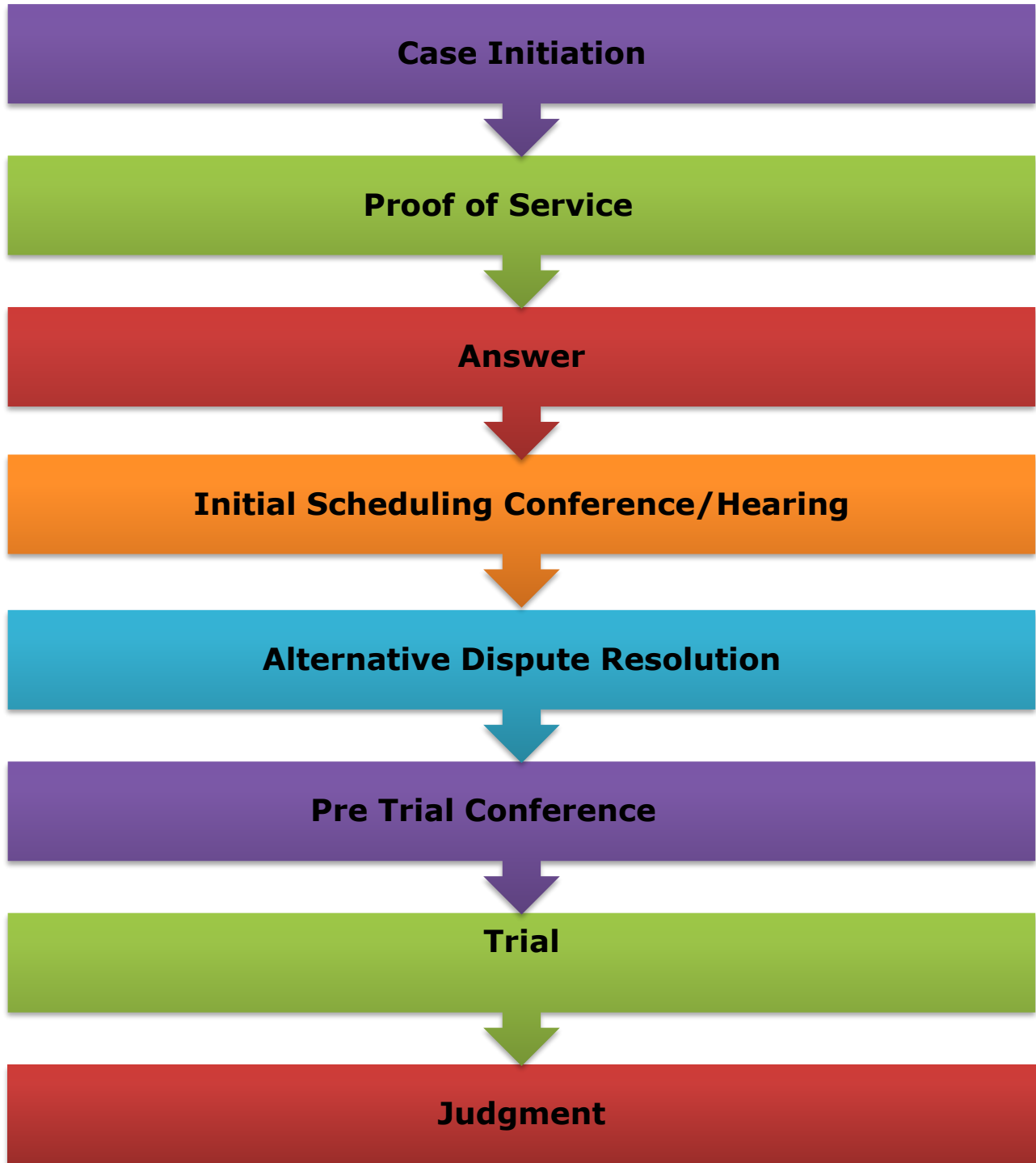
A notice of removal is filed in an action by the defendant only. The defendant can remove an action from the jurisdiction of the Superior Court of the District of Columbia to the jurisdiction of the United States District Court based upon the alleged facts stated in the complaint. The party filing the notice of removal is responsible for sending notice to the other parties. Upon the filing of a notice of removal, the clerk will transfer the action to the United States District Court without approval of the court. The civil actions matter will be closed based upon the filing of the notice of removal and no further filings should be submitted to the Court unless the matter is remanded. *See* 28 U.S.C. §§1441-1446.

Remand

If a case is remanded back to the jurisdiction of the Superior Court of the District of Columbia after a removal or appeal, it is reopened and assigned to the Presiding Judge for review and assignment

to a calendar judge. The action will retain the original case number that was assigned prior to the removal. The Presiding Judge will issue an order reassigning the case and may schedule a future hearing before the judge receiving the case.

Civil Actions Case Flow



APPENDIX I - Case Types and Case Descriptions

CASE TYPE	CASE DESCRIPTION	CASE SUBTYPES
ADMINISTRATIVE PROCEEDINGS	JIC (Judge-In-Chambers) matters	Administrative Search Warrant, Application for Entry of Judgment Defaulted Compensation Benefits, Enter Administrative Order as Judgment, Libel of Information, Master Meter, Petition Other, Release Mechanics Lien, Request for Subpoena
CONTRACT	Action regarding an agreement	Breach of Contract, Breach of Warranty, Condo/Homeowner Association Fees, Contract Enforcement
COLLECTIONS/ INSURANCE SUBROGATION	Debt collections, insurance subrogation	Debt Collection, Insurance Subrogation, Motion/Application for Judgment by Confession, Motion/Application Regarding Arbitration Award
EMPLOYMENT DISPUTE	Employee and employer disagreement	Breach of Contract, Discrimination, Wage Claim, Whistleblower, Wrongful Termination
REAL PROPERTY	Action in which the main subject of the controversy is a real property (fixed property, like land, building, house)	Condo/Homeowner Assn. Foreclosure, Declaratory Judgment, Drug Related Nuisance Abatement, Ejectment, Eminent Domain, Interpleader, Quit Title, Specific Performance, Other
FRIENDLY SUIT	Action to obtain judicial approval for a settlement involving a minor.	No Subtype
HOUSING CODE REGULATION	Action to ensure compliance with DC Housing Code Regulations	No Subtype
QUI TAM	Whistleblower	No Subtype
STRUCTURED SETTLEMENTS	Transfer of Annuity Payments	No Subtype
MALPRACTICE		Medical – Other, Wrongful Death
AGENCY APPEAL	Appeal of agency decisions appealable at DC Superior Court	Dangerous Animal Determination, DCPS Residency Appeal, Merit Personnel Act, Merit Personnel Act, Other Agency Appeal
REQUEST FOR FOREIGN JUDGMENT	Request to domesticate a judgment in DC issued out-of-DC (only for Civil Actions that will be heard in Civil Actions Branch)	No Subtype

APPLICATION FOR INTERNATIONAL FOREIGN JUDGMENT	Request to domesticate a judgment issued outside of the United States in DC (only for Civil Actions that will be heard in Civil Actions Branch)	No Subtype
CIVIL ASSET FORFEITURE	“An <i>in rem</i> proceeding by the government against property that either facilitated a crime or was acquired as a result of criminal activity.”	Currency, Real Property, Vehicle, Other
NAME CHANGE/VITAL RECORD AMENDMENT	Application to correct/modify a birth certificate or death certificate of an individual born or deceased in DC, or to change the name of an adult (over 21) resident of DC.	Birth Certificate Amendment, Death Certificate Amendment, Gender Amendment, Name Change,
TORT	Action brought out of wrongful act or an infringement of a right (other than under contract).	Abuse of Process, Assault/Battery, Conversion, False Arrest/Malicious Prosecution, Libel/Slander/Defamation, Personal Injury, Toxic Mass, Negligence, Slip and Fall, Property Damage Wrongful Death (Non-Medical Malpractice)
GENERAL CIVIL	Other regular civil matters, Civil II	Accounting, Deceit, Fraud, Invasion of Privacy, Lead Paint, Leal Malpractice, Motion/Application Regarding Arbitration Award, Other – General Civil, Product Liability, Request for Liquidation, Writ of Replevin, Wrongful Eviction
CIVIL I/COMPLEX CIVIL	Asbestos/Other Complex Matters	Asbestos
TAX SALE FORECLOSURE	Tax Lien	Tax Sale Annual, Tax Sale Bid Off
MORTGAGE FORECLOSURE	Actions to foreclose a real property	Non-Residential, Residential
STATUTORY CLAIM	Actions brought out of public interest laws in DC	Anti-SLAPP, Consumer Protection Act, Exploitation of Vulnerable Adult, Freedom of Information Act (FOIA), Other
VEHICLE	Motor vehicle accident	Personal Injury, Property Damage
TRAFFIC ADJUDICATION APPEAL	Application for leave to appeal from a decision of the Traffic Adjudication Appeals Board of the District of Columbia	No Subtype