

**SUPPLEMENT TO GENERAL ORDER ON TRIAL PROCEDURES
JUDGE ROBERT D. OKUN
CIVIL CALENDAR 6
Effective January 2, 2025**

I. GENERAL INFORMATION

Judge: Robert D. Okun

Chambers: Room 3100
Moultrie Courthouse
500 Indiana Avenue, N.W.
Washington, DC 20001

Phone: (202) 879-4602

Email Address: judgeokunchambers@dcsc.gov

Law Clerks: Todd Kowalski (todd.kowalski@dcsc.gov)
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Courtroom: 518
Moultrie Courthouse
500 Indiana Avenue, N.W.
Washington, DC 20001

Proceedings in matters on Calendar 6, **except for bench trials, jury trials and pretrial conferences, or other hearings at which in-person appearance is explicitly required**, will take place in Virtual Courtroom 518, which the parties and counsel may access in the following ways:

- (1) going to the WebEx website at <https://dccourts.webex.com/meet/ctb518> or going to <https://dccourts.webex.com/> and entering meeting ID number 129 685 3445; or
- (2) downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb518>; or
- (3) calling 1-844-992-4726 or 202-860-2110 and entering meeting ID number 129 685 3445.

Parties having trouble connecting to their remote hearing may call chambers at (202) 879-4602 for assistance. Failure to appear at a remote proceeding may result in the same sanctions that would result from failing to appear at an in-person hearing, including dismissal of a case or entry of default.

NOTE: Counsel is required to appear via WebEx video and log in so that their name appears on screen, absent extenuating circumstances that make it necessary for them to appear via telephone, or unless telephonic appearance is approved by Chambers prior to the hearing. All other parties are highly encouraged, but not required, to appear via WebEx video and identify themselves by name. Inclusion of preferred pronouns is encouraged, but not required.

When entering the virtual courtroom, each party should mute themselves, or will be automatically muted by the courtroom clerk, to avoid interrupting another hearing that may be underway. If using the WebEx website or the app, parties may check in with the courtroom clerk using the “chat” function. Parties accessing the hearing by telephone only should wait for their case to be called before speaking.

Judge Okun enforces the rule on witnesses for any virtual evidentiary proceeding. Accordingly, each party is responsible for ensuring that their non-party witnesses are not logged into the evidentiary proceeding at any point other than when they are testifying. In addition, parties are reminded that Administrative Order 20-08 strictly forbids the audio and/or video recording of virtual hearings, including the taking of screenshots; individuals found in violation of this order may be subject to contempt of court.

II. COMMUNICATIONS WITH CHAMBERS

Except as specifically authorized in this Supplement, no party and no lawyer may contact chambers by telephone. Judge Okun’s staff may not and will not provide advice of any kind about court rules, practices, or procedures. Judge Okun does not accept letters from parties or lawyers about a case. If a party needs clarification of any rule, practice, or procedure, it should file a motion. If it is necessary for parties or counsel to contact chambers, they may send an email to all of the law clerks at judgeokunchambers@dcsc.gov, copying the other party or parties.

III. MOTIONS

Consent to motions: Judge Okun strictly enforces the requirement in Rule 12-I(a) that, before a party files a motion, it must seek the consent of the other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, Judge Okun may summarily deny the motion, and if the party chooses to refile the motion with a certification, it will pay another \$20 filing fee.

The title of the motion must indicate whether it is opposed or unopposed. Judge Okun generally grants consent motions – without waiting for any response.

Email addresses: Judge Okun requests that all counsel and self-represented parties include an email address when signing any filing submitted to the Court.

Paper copies: Judge Okun has suspended the requirement in Rule 5(d)(7)(C) that a party deliver to the Clerk’s Office a paper copy of any electronic filing exceeding 25 pages. **Parties shall instead submit a courtesy copy of any such filing (including any exhibits and attachments) to judgeokunchambers@dcsc.gov.**

Proposed order: Rule 12-I(f) requires that a party eFiling a motion include a proposed order as part of the submission, and the Court requires that the proposed order be provided in a format that can be edited (Word or Word Perfect). Counsel’s adherence to this requirement assists the Court in ruling on motions and informing counsel of the Court’s decision in an expeditious manner. Judge Okun may summarily deny a motion that is not accompanied by a proposed order

in the required format. **Additionally, a courtesy copy of any proposed order in Word format must be sent to judgeokunchambers@dcsc.gov.**

Length of filings: No party may submit a motion or opposition exceeding twenty pages without obtaining prior leave to do so from Judge Okun. If a party fails to comply with these rules, Judge Okun may summarily deny the motion, and if the party chooses to refile the motion with a proposed order, it will pay another \$20 filing fee.

Reply briefs: Parties who wish to file a reply brief may do so within seven calendar days of the filing of an opposition brief without leave of the court. No party may submit a reply to an opposition exceeding five pages without obtaining prior leave to do so from Judge Okun. Sur-replies are strongly disfavored, and, in any event, a party may not file a sur-reply without leave of the court.

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

Motions to extend deadlines and reschedule hearings: Any motion for extension of time should include a statement of the number of previous extensions of the deadline, and the effect of granting the motion on other existing deadlines.

Judge Okun does not automatically grant multiple extensions of scheduling orders even when the parties agree. Judge Okun expects any request for an extension to be based on the parties' realistic assessment of the time needed to complete the remaining tasks, and thereby to eliminate the need for additional extensions except in unexpected circumstances. The more extensions one or all parties request, the stronger the justification that Judge Okun expects for each successive request, including a demonstration that the factors that justify the additional extension were not reasonably foreseeable at the time the parties requested the previous extension.

Except in extraordinary circumstances involving unforeseen and unforeseeable events, all motions seeking to extend a deadline or continue a hearing must be filed **at least** three business days before that date.

Any motion to reschedule a hearing or mediation session must suggest three alternative dates and times at which all counsel, unrepresented parties, and other necessary parties will be available.

Except as provided in Rule 16(b)(7)(B) and Rule 55(a)(3)(B), stipulations between parties or lawyers are not effective to change deadlines set by the Court. To extend any such deadline or reschedule a hearing, a party must file a motion requesting and justifying the extension/change.

Motions in limine: To the extent practicable, Judge Okun will generally rule on motions in limine at or before the pretrial conference. In accordance with the deadline set forth in Rule 16(d), parties shall file motions in limine at least four weeks before the pretrial conference. Oppositions to such motions must be filed no later than one week before the pretrial conference.

Consolidated motions: A party ordinarily should raise in one motion all grounds for the relief it seeks. For example, a party should file one summary judgment motion or one motion in limine, even if the party seeks summary judgment on multiple grounds or pretrial rulings on multiple issues. If a consolidated motion exceeds the court’s usual page limit, the party may file, with the consolidated motion, a motion for leave to file a brief exceeding the page limit. Such requests are ordinarily granted if reasonable because consolidated motions are more efficient and require fewer total pages than separate motions.

Motions for default judgment: A party filing a motion for default judgment should obtain the affidavit required by the federal Servicemember Civil Relief Act (form 114) no more than 30 days prior to moving for default judgment. The Court has discretion to require parties that submit an affidavit that is dated more than 30 days prior to the filing for default judgment to submit a more recent affidavit.

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

IV. DISCOVERY

Judge Okun strictly enforces the requirements in Civil Rules 26(h) and 37(a) that the parties meet for a reasonable period of time in an effort to resolve or narrow any discovery-related dispute and that discovery-related motions include a certification concerning such a meeting. If a party submits such a motion without such a certification, Judge Okun may summarily deny the motion, and if the party chooses to refile the motion with the certification, it will pay another \$20 filing fee.

V. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set forth in Rule 16(b) of the Superior Court Rules of Civil Procedure, Judge Okun will consider a Civil Action Form 113 (Praecipe Requesting Scheduling Order) filed at least two calendar days before the date of the scheduling conference. A praecipe filed later than the Wednesday preceding a Friday scheduling conference therefore will not be considered, and the parties will be required to appear for the scheduling conference. Parties are reminded that praecipes should not be filed in cases where an answer has not been filed or pending motions are on the docket.

VI. MEDIATION

Parties must attend mediation sessions unless a motion is filed to vacate or change the mediation date. Where a party fails to appear for mediation, chambers may issue an order for the party that did not appear to show cause why it should not be sanctioned for its failure to appear. The order will give the party the options of paying the mediation fees expended to the Court Registry or appearing in court for a hearing on the order to show cause. Where both parties fail to appear, each party will be provided the same options.

VII. PRETRIAL CONFERENCES AND TRIAL READINESS HEARINGS

In-person appearance required: All parties shall appear in-person for pretrial conferences, unless Judge Okun has authorized or directed parties to appear remotely.

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend all mediation sessions and pretrial or settlement conferences, either in person or remotely. Any request to excuse a non-party principal must be made by motion at least two weeks prior to the scheduled event.

Joint pretrial statements: Rule 16(e) requires the filing of a joint pretrial statement no later than one week before the pretrial conference. Judge Okun may sua sponte continue the pretrial conference if the parties have not timely filed a joint pretrial statement that satisfies the requirements of Rule 16(e).

Trial readiness hearing: The Court may schedule an in-person trial readiness hearing to occur approximately one week prior to trial. Counsel and unrepresented parties are required to attend the trial readiness hearing and be prepared to discuss voir dire questions and procedures, scheduling concerns, any outstanding evidentiary issues, and other matters requiring the Court's attention prior to trial. During the trial, counsel is expected to display all exhibits, including audio, video, photographic and documentary exhibits, via WebEx. The trial readiness hearing serves as an opportunity for counsel to ensure that they have the necessary technical capacity and equipment to do so.

VIII. TRIALS

A. Pretrial and trial procedures

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

Schedule: Judge Okun schedules trials to begin on Mondays at 9:30 a.m. Trials generally proceed Monday through Thursday from 9:30 a.m. to 4:45 p.m. Judge Okun generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m.

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

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

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

B. Jury instructions

Judge Okun instructs the jury **before** closing arguments.

C. Deliberations

Throughout jury deliberations, counsel must be available on ten minutes' notice. Counsel should give the courtroom clerk a telephone number at which they can be reached.

IX. LANGUAGE ACCESS

The Court provides certified interpreters in all matters, when needed. The party requiring an interpreter must notify the Court before any hearing at which an interpreter will be needed. Family members, friends, lawyers, or lawyers' staff are not permitted to interpret for parties or witnesses during a hearing.

X. D.C. BAR VOLUNTARY STANDARDS OF CIVILITY IN PROFESSIONAL CONDUCT

Attorneys are expected to adhere to these Standards in their dealings with one another and with other participants in the legal process. The Standards may be found on the D.C. Bar's Website: www.dcbbar.org/for-lawyers/legal-ethics/d-c-bar-voluntary-standards-of-civility-in-profess.

Judge Okun and his Chamber's staff express their appreciation in advance for compliance with this Supplement to the General Order.