

**SUPPLEMENT TO GENERAL ORDER JUDGE
KATHERINE ELLSWORTH OLER
CIVIL CALENDAR 5
Effective September 13, 2024**

I. GENERAL INFORMATION

Judge: Katherine Ellsworth Oler

Courtroom: Courtroom 318
Moultrie Building
500 Indiana Avenue N.W.
Washington, DC 20001

Chambers: Suite 1430
Moultrie Building

Chambers telephone: 202-879-0450

Email address: JudgeOlerChambers@dcsc.gov
(emails sent directly to the judge without copying the law clerks and/or chambers email or without prior leave of court will be deleted with no action taken)

Judicial Admin. Asst. Stefanie Lis (stefanie.lis@dcsc.gov)

Law Clerk: Michaela Kretzner (michaela.kretzner@dcsc.gov)
Aditi Prasad (aditi.prasad@dcsc.gov)

II. COMMUNICATION WITH CHAMBERS

Except as specifically authorized in this Supplement, no party or lawyer may contact Chambers by telephone. Judge Oler’s staff will not provide advice of any kind about court rules, practices, or procedures. Judge Oler does not accept letters from parties or lawyers about a case. If a party needs clarification of any rule, practice, or procedure, he should file a motion.

In extraordinary circumstances, parties may contact chambers jointly concerning urgent scheduling issues.

III. IN PERSON AND REMOTE OPERATIONS

At this time, **all Trials (jury and non-jury), Pretrial Conferences, Contested Evidentiary Hearings, and Contested Motions Hearings will be conducted in-person in Courtroom 318.** All parties, counsel, and witnesses must be physically present in the courtroom unless they have been expressly permitted by Judge Oler, in advance of the proceeding, to participate remotely.

All other types of proceedings will be conducted remotely in Virtual Courtroom 318, which the parties and counsel may access in the following ways:

- (1) going to the WebEx website at <https://dccourts.webex.com/meet/ctb318> or going to <https://dccourts.webex.com> and entering meeting ID number 129 801 7169; or
- (2) downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb318>; or
- (3) calling 1-844-992-4726 or 202-860-2110 and entering meeting ID number 129 801 7169.

Parties having trouble connecting to their remote hearing may call chambers at 202-879-0200 for assistance. Failure to appear at a remote proceeding may result in the same sanctions as would result from failing to appear at an in-person hearing, including dismissal of a case or entry of default.

Exhibits: If a party of counsel intends to rely on exhibits or other documents during the hearing, the party or counsel must e-mail the exhibits to the Court at JudgeOlerChambers@dcsc.gov, copying all parties, no later than 5:00pm the day before the hearing. The party or counsel must also file the exhibits on the docket using the EFILEDC system and provide a copy of the exhibit to any witness before the hearing. The exhibits must be separately labeled so that they can be easily identified by all parties and the Court during the hearing.

IV. VIRTUAL COURTROOM PROTOCOL

All counsel are 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.

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 Oler enforces the rule on witnesses for any virtual evidentiary proceedings. 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.**

V. WEEKLY SCHEDULE

Unless otherwise directed, matters on Calendar 5 will take place as follows:

Pretrial/Settlement Conferences: Tuesdays, Wednesdays, and Thursdays at 9:30 a.m. and 2:00 p.m.

Trials: Mondays through Thursdays from 9:30 a.m. until 4:45 p.m.

Scheduling Conferences and other matters: Fridays beginning at 9:30 a.m.

Motions Hearings: Will Be Scheduled by Chambers.

VI. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set forth in Rule 16(b) of the Superior Court Rules of Civil Procedure, Judge Oler will accept a Praecept Requesting Scheduling Order (Civil Action Form 113) filed by 12:00 p.m. one day before the date of the scheduling conference. In cases in which all parties are represented by counsel and there are no pending motions or other matters requiring the Court's attention, Judge Oler strongly encourages attorneys to consult with opposing counsel and submit a CA Form 113 rather than appearing for a scheduling conference.

VII. MOTIONS

Contact Information: Consistent with Rule 10-I (b)(1), the signature block for all pleadings must include the name, office address, telephone number, email address and Bar number of the attorney, or if a party is not represented by counsel, their name, address, telephone number and email address. Inclusion of preferred pronouns is encouraged, but not required. In addition to including a mailing address and phone number in all filings, pro se litigants must also include an email address, if one is available.

Consent to Motions: The title of every motion must indicate whether the motion is opposed or consented to or unopposed. Judge Oler strictly enforces the requirement in Rule 12-I(a) that, before a party files a non-dispositive motion, it must seek the consent of other parties, include a certification that consent was sought and indicate whether the other parties consent to the requested relief. Judge Oler may summarily deny a motion that does not contain the requisite certification, and if the party chooses to refile the motion with a certification, it will pay another \$20 filing fee.

Proposed Order: Judge Oler requires that a party eFiling a motion include as part of the submission a proposed order 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 Oler may summarily deny a motion that is not accompanied by a proposed order in the required format.

Length of Filings: No party may submit a motion or opposition with a legal memorandum exceeding twenty double-spaced pages in length without obtaining prior leave of Judge Oler. If a party fails to comply with these requirements, the motion may be summarily denied or struck.

Paper Copies: A party need not provide a paper copy of any filing that exceeds twenty-five pages in length, unless requested to do so. **Parties shall instead submit a courtesy copy of any such filing (including any exhibits and attachments) to JudgeOlerChambers@dcsc.gov.**

Exhibits to Motions: If a party attaches three or more exhibits to a motion, an exhibit list must be included identifying each exhibit and each exhibit must be marked accordingly.

Reply Briefs: No party may submit a reply to an opposition that is more than seven pages long without leave of the court. Sur-replies may not be filed without leave of the court.

Motions in Limine: To the extent practicable, Judge Oler 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 three weeks before the pretrial conference. Oppositions to such motions should be filed no later than one week before the pretrial conference.

Motions to Reschedule Hearings: 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.

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.

Emergency Motions: Judge Oler expects parties to request expedited action only in truly urgent situations. A party filing an emergency motion must send a courtesy copy of the motion and the proposed order (in a format that can be edited) by email to JudgeMcKennaChambers@dcsc.gov and to the other parties.

E-Filed Motions: It takes time for e-filed motions and other filings to reach chambers; it may take up to three business days for the Clerk's Office to process filings. A lawyer or party who has a question about the status of a pending motion should check online at <http://www.dccourts.gov>, contact the Clerk's Office at (202) 879-1133, or check with the electronic filing vendor, prior to contacting Chambers.

VIII. DISCOVERY

Motions to Compel Discovery: Rules 26(h) and 37(a) require the parties to meet for a reasonable period in an effort to resolve or narrow any discovery dispute and include a certification regarding such a meeting in discovery-related motions. If a party submits a discovery-related motion without a certification, Judge Oler may summarily deny the motion and if the party chooses to refile the motion with a certification, it will pay another \$20 filing fee. In-person meet and confer requirements may be satisfied by virtual or telephonic meetings.

Before filing a motion related to a discovery dispute, the moving party must communicate with the opposing party to suggest dates and times for a hearing on the motion, and the motion must include three proposed dates and times at which all counsel, unrepresented parties and other necessary parties will be available.

Judge Oler will presumptively award attorney's fees and any costs associated with litigating the motion to the prevailing party, pursuant to Rule 37(a)(5); parties should bring documentation of their fees to any hearing on the motion. The parties are encouraged to resolve discovery disputes prior to any discovery hearing, and the moving party may file a praecipe withdrawing the motion to compel if parties are able to reach resolution.

IX. PRETRIAL CONFERENCES AND TRIAL READINESS HEARINGS

In-person appearance required: Commencing on August 1, 2022, all parties shall appear in-person for pretrial conferences, unless Judge Oler has authorized or directed parties to appear remotely.

Non-party principals: Except in extraordinary circumstances with prior judicial approval, nonparty 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 should 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 Oler may sua sponte cancel and 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: At the pretrial conference, 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.

X. TRIALS

Schedule: Trials are scheduled to begin on Mondays at 9:30 a.m., and thereafter generally are held between 9:30 a.m. and 4:45 p.m. Parties and counsel should be prepared, however, to begin trial on Monday, Tuesday, Wednesday, or Thursday during the week that the trial is scheduled. Judge Oler generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00pm and 2:00pm.

Trial Status Update: On the Wednesday preceding a trial date, the parties must email chambers jointly to inform the Court whether the parties expect to proceed on the scheduled trial date. If the parties' expectations change at any point before the date of the trial, the parties must update chambers by email.

Juror Notes: The Court allows jurors to take notes.

Exhibit Index: On the first day of trial, each party must give the Courtroom Clerk an Exhibit Summary Form. Parties may obtain this form from the Clerk's Office of at www.dcccourts.gov/sites/default/files/2017-06/dcsc15r1-06.pdf.

Custody of Exhibits: During trial, the parties may leave exhibits that have been 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 should be part of the record on appeal.

Mid-trial Issues: If an issue arises during trial, Judge Oler expects parties to first attempt to resolve it themselves. Failing resolution, parties are expected to advise the Court by sending an email to Judge Oler’s chambers and to all other parties.

Witness Availability: Judge Oler will not delay the trial to accommodate a witness’s schedule, except in extraordinary, unexpected, and documented circumstances. If a witness availability issue arises, a party must immediately notify other parties and chambers.

Availability During Deliberations: Throughout jury deliberations, counsel must be available on five (5) minutes’ notice. Counsel should give the Courtroom Clerk a telephone number where they can be reached.

Proposed Findings of Fact and Conclusions of Law: As a discretionary matter, the Court may require counsel to provide proposed findings of fact and conclusions of law at the close of the evidence.

XI. LANGUAGE ACCESS

The Court provides professional 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. A party or attorney may request an interpreter by completing and submitting the form provided at <https://www.dccourts.gov/services/language-access-services>. Family members, friends, lawyers, or lawyers’ staff are not permitted to interpret for parties or witnesses during a hearing.

XII. 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.dcbar.org/for-lawyers/legal-ethics/d-c-bar-voluntary-standards-of-civility-in-profess.

Judge Oler and her Chamber’s staff express their appreciation in advance for compliance with this Supplement to the General Order.