

**SUPPLEMENT TO GENERAL ORDER
JUDGE KELLY A. HIGASHI
CIVIL CALENDAR 1
2019-2020**

I. GENERAL INFORMATION

Judge: Kelly A. Higashi

Chambers: Room 2530
Moultrie Courthouse
500 Indiana Avenue, NW
Washington, DC 20001

Phone: (202) 879-0684

Email Address: JudgeHigashiChambers@dcsc.gov

Law Clerks: Danielle Anderson
Danielle.Anderson@dcsc.gov

Michael Lepage
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Courtroom: Courtroom JM-4
Moultrie Courthouse
500 Indiana Avenue, NW
Washington, DC 20001

Courtroom Phone: (202) 879-8330

II. COMMUNICATIONS WITH CHAMBERS

No party or lawyer may contact chambers by telephone. Judge Higashi's staff may not and will not provide advice of any kind about court rules, practices, or procedures. Judge Higashi 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 in extraordinary circumstances to contact chambers, parties may send an email to the chambers email address (JudgeHigashiChambers@dcsc.gov) that copies the other party or parties.

III. WEEKLY SCHEDULE

Unless otherwise directed, proceedings in matters on Calendar 1 will take place in Courtroom JM-4 as follows:

- Pretrial/Settlement Conferences: Tuesdays, Wednesdays, and Thursdays at 9:30 AM and 2:30 PM.

- Trials: Mondays, Tuesdays, Wednesdays, and Thursdays from 9:15 AM to 4:45 PM, with one morning and one afternoon break, as well as a break for lunch from 1:00 PM to 2:00 PM.
- Scheduling Conferences, Oral Examinations, Ex Parte Proofs, and other matters: Fridays beginning at 9:30 AM.
- Motion Hearings: As scheduled by chambers.

IV. MOTIONS

Consent to motions: Judge Higashi strictly enforces the requirement in Rule 12-I(a) that, before a party files a motion, it must seek the consent of other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, Judge Higashi 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 should indicate whether it is opposed or unopposed. Judge Higashi generally grants consent motions without waiting for any response.

Proposed order: Judge Higashi strictly enforces the requirement in Administrative Order 06-17 that a party filing a motion must submit electronically to JudgeHigashiChambers@dcsc.gov a proposed order in a format that can be edited (e.g. Word). If a party does not submit a proposed order in such a format, Judge Higashi 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.

Length of filings: Judge Higashi discourages memoranda more than ten pages long. No party may submit a motion and memorandum more than twenty pages long without leave of the court, which will be granted only in extraordinary circumstances. If a party fails to comply with these rules, Judge Higashi 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 brief longer than five pages or a sur-reply without leave of the court.

Motions for leave to file: Except in extraordinary circumstances, a party seeking leave to file a document should submit with the motion a copy of the proposed filing.

Motions *in limine*: Judge Higashi generally rules on motions *in limine* at or before the pretrial conference. In accordance with the deadline set forth in Rule 16(d) of the Superior Court Rules of Civil Procedure, parties should file motions *in limine* at least three weeks before the pretrial conference, and oppositions to such motions should be filed no later than one week before the pretrial conference.

Continuances & extensions of time: Except in extraordinary circumstances involving unforeseeable events, all motions seeking to extend a deadline or continue a hearing must be filed at least three business days prior to the scheduled date. Any motion to reschedule a hearing or mediation session must suggest at least three alternative dates and times that are convenient to all parties.

Consolidated motions: A party, or multiple parties aligned in interest and represented by the same lawyer, should ordinarily raise in one motion all the grounds for the relief they seek. 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 because consolidated motions are more efficient and require fewer total pages than separate motions.

E-filed motions: It takes several days for e-filed motions and other filings to reach chambers. If a party has a question about the status of a pending motion, it should check online at <https://www.dccourts.gov/superior-court/cases-online> or contact the Clerk's Office at (202) 879-1133. If a party contacts chambers, they will be told only that Judge Higashi rules on any pending motion as promptly as possible.

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

Discovery motions: Judge Higashi strictly enforces the requirements set forth in 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 dispute and include a certification of such meetings in any discovery-related motions. If a party submits such a motion without a certification, Judge Higashi 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, SETTLEMENT, AND PRETRIAL CONFERENCES

Scheduling praecipes: Notwithstanding the earlier deadline in Rule 16(b)(2), Judge Higashi will approve a Civil Action Form 113 ("Praeceptum Requesting Schedule Order") submitted up to 12:00 PM on the day before the scheduling conference date. In cases in which all parties are represented by counsel, and no pending motions or other matters require the court's attention, attorneys should consult with opposing counsel and submit a Civil Action Form 113 rather than appear in court for a scheduling conference.

Scheduling and calendars: Any party or lawyer who attends a hearing where matters can reasonably be expected to be scheduled should bring a calendar. Judge Higashi and the courtroom clerk will not delay setting a schedule to give anyone an opportunity to contact the person's office. If the person does not have his or her schedule immediately available, Judge Higashi will set a schedule, and the party may, if it so chooses, later file a motion to modify the schedule and pay the \$20 filing fee.

Joint pretrial statements: Rule 16(e) requires the filing of a joint pretrial statement at least one week before the pretrial conference. Judge Higashi may continue a pretrial conference if the parties have not timely filed the joint pretrial statement.

Settlement conferences: Judge Higashi conducts a settlement conference along with the pretrial conference. She expects the parties (including insurance adjusters) to discuss settlement before the conference and to bring any useful photographs, documents, or other material.

Pretrial status hearings: At the pretrial conference, Judge Higashi ordinarily schedules a trial date, and she may also schedule a status hearing no more than two weeks before trial. At any pretrial status hearing, counsel and unrepresented parties must appear and be prepared to discuss *voir dire* questions and procedures, scheduling concerns, any remaining evidentiary issues, and other matters that Judge Higashi can usefully address before trial.

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority (including insurance adjusters) must attend mediation sessions and settlement conferences in person. Judge Higashi may allow such principals from outside the Washington metropolitan area to participate by telephone. Any request to excuse a non-party principal from personal attendance should be made by motion at least two weeks before the date of the conference.

VI. COURTROOM PROTOCOL

Addressing the court: Physically able attorneys and *pro se* parties are expected to stand when addressing the court. Speaking objections are prohibited.

Questioning of witnesses and demonstrations: Questioning of witnesses must be conducted from behind the podium. Walking in the well of the courtroom is prohibited except as permitted by the court. Permission is required to approach the court. Any in-court demonstration requires prior permission of the court.

Audio-visual equipment: Any attorney who desires to bring audio-visual equipment into the courtroom for trial or a hearing must secure a letter from the court permitting the entry of such items into the courthouse, for presentation to security personnel. Such a letter must be obtained well in advance of the particular proceeding.

VII. TRIALS

Jury instructions and objections: One week prior to trial, the parties shall email a copy of the proposed verdict forms and the text of the proposed standard and special jury instructions in Microsoft Word format to JudgeHigashiChambers@dcsc.gov. If the parties object to any proposed jury instructions, they must include the reasons for that objection and any case law supporting their objection.

Trial status update: On the Wednesday preceding a trial date, the parties shall email chambers 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 trial, the parties shall update chambers by email.

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/services/forms>.

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, the parties should raise it by sending an email by 8:30 AM of the next trial day to JudgeHigashiChambers@dcsc.gov, with all other parties copied.

VIII. LANGUAGE ACCESS

The court provides professional interpreters in all matters, when needed. The party who needs 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.