

Supplement to General Order
Judge Alfred S. Irving, Jr.
Civil I, Calendar 3
January 2021

I. CHAMBERS, STAFF, AND SCHEDULE FOR CALENDAR 3

Judge: Alfred S. Irving, Jr.

Chambers: 5600, Moultrie Building
500 Indiana Avenue, NW
Washington, DC 20001

Chambers' Telephone: (202) 879-4815

Chambers' Email: JudgeIrvingChambers@dcsc.gov

Law Clerks: Angel Cruz
Dustin Wyrick
Adam Turner

Courtroom: Courtroom 518

[THE FOLLOWING SECTIONS SUPPLEMENT THE CORRESPONDING SECTIONS OF THE CIVIL DIVISION'S GENERAL ORDER]

Unless otherwise directed, matters on Civil I, Calendar 3 will take place, as follows:

During the period of remote operation, as determined by the Chief Judge of the Superior Court, all proceedings 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 (844) 992-4726 or (202) 860-2110 and entering meeting ID number 129 685 3445#.

Parties having trouble connecting to their remote hearing may email Chambers at JudgeIrvingChambers@dcsc.gov for assistance.

II. WEEKLY SCHEDULE

Pretrial/Settlement Conferences & Motion Hearings: By appointment in Courtroom 518.

Trials: Mondays through Thursdays from 9:30 a.m. to 4:45 p.m., in Courtroom 518, unless otherwise noted.

III. MOTIONS, OTHER FILINGS, AND COURT RECORDS

Formatting: Typewritten motions and other filings will be double-spaced and in at least 12-point font; footnotes will be in at least 10-point font. Parties should use a serif typeface, such as Times New Roman, Garamond, or Century Schoolbook and should not use mono-spaced fonts.

Page Limits: Memoranda of law that exceed ten (10) pages in length are discouraged and filings exceeding twenty (20) pages (exclusive of exhibits and certifications) are prohibited without prior leave of Court.

Courtesy Copies: When **any filing** includes over twenty-five (25) total pages, a paper copy must be mailed to Chambers at the above address either through the postal service or by delivering a copy to the mailroom on the C level of the Moultrie Building. Filings exceeding 200 pages must be provided in three-ring binders. All courtesy copies must include tabs for the exhibits and use highlighting or other techniques to draw the Court's attention to specific content (*e.g.*, relevant sections of text) in the exhibits.

Incorporation by Reference: Notwithstanding the Super. Ct. Civ. R. 10(c), incorporation by reference of previously—or contemporaneously—filed documents is prohibited to the extent that the combined length of the filing and the information incorporated-by-reference exceeds the Court's page limit. Each filing must stand or fall on its own merits.

Adoption: Parties may only adopt pleadings as defined in Super Ct. Civ. R. 7(a). A party may not adopt the motion of another party-litigant without first obtaining leave of Court.

Rule 12-I(a): The Court strictly enforces the advance consultation requirement of Rule 12-I(a). Any motion that does not include a separate certification that states whether consent was obtained from all interested parties and the efforts taken to secure such consent, if consent is not procured, may be summarily denied, without prejudice.

Proposed Orders to Chambers: Pursuant to Administrative Order 06-17, whenever parties file a motion or opposition they will provide the Court with a Proposed Order granting the relief sought in their filing. The Proposed Order must be sent to the Court's electronic mail address, at JudgeIrvingChambers@dcsc.gov. If no Proposed Order is received by the Court, the document is not considered properly filed and may be summarily denied without prejudice.

Extensions of Time: Stipulations between parties or counsel are not effective to change deadlines set by the Court. To extend a deadline, a party *must* file a motion requesting the extension.

Motions for Leave to File: Whenever possible, motions for leave to file a document should be accompanied by a copy of the proposed filing.

Ripe Motions: Irrespective of the nature of the matter scheduled for hearing before the Court, any Motion that is ripe, ready for disposition, may be heard by the Court at any hearing scheduled on the Court's calendar. Consent motions are considered ripe upon filing.

Motion Hearings: A complete copy of motions or oppositions filed within five days of a hearing should be emailed to JudgeIrvingChambers@dcsc.gov. Motions will be decided on the paper filings alone unless the Court determines that a hearing would aid its consideration or the law otherwise requires.

Emergency Motions: Any represented party who files an emergency motion will contact all opposing parties and chambers to provide notice of the emergency motion within 24 hours of its filing.

E-Filed Motions: Please note that E-filed motions and other filings do not reach chambers instantaneously; rather, it generally takes 1-2 business days for the Civil Clerk's office to receive and process filings. Parties should contact the Civil Clerk's office at (202) 879-1133 to inquire about the status of pending motions.

IV. DISCOVERY

Discovery Disputes: Judge Irving strictly enforces the provisions of Civil Rules 26(h)(1) and 37(a) requiring that the parties meet, face-to-face, for a reasonable period of time in an effort to resolve or narrow any discovery-related dispute. All discovery-related motions must include a certification setting forth the details of the parties' meeting, including the date, time, and place of the meeting.

V. PRETRIAL/SETTLEMENT CONFERENCE

Settlement Authority: A representative of each party with *full* settlement authority must be present at the pretrial/settlement conference.

Joint Pretrial Statement: The Joint Pretrial Statement must be filed seven (7) days prior to the scheduled Pretrial Conference. If a Joint Pretrial Statement is not received on or before that date, the Pretrial Conference may be rescheduled *sua sponte*.

Special Jury Instructions and Judicial Notice of Regulations or Statutes: Where the parties request that special jury instructions be given or that municipal regulations or statutes receive judicial notice and admission into evidence, each proposed special instruction, regulation, or statute will be typed on a separate sheet of paper, **accompanied by a copy of the pertinent authority for the request**, and submitted with the Joint Pretrial Statement. A copy of the proposed instruction, regulation, or statute should be emailed to Judge Irving's Chambers Inbox, JudgeIrvingChambers@dcsc.gov in non-write-protected form.

Motions *in Limine*: Judge Irving typically rules on motions *in limine* on the papers prior to the pretrial conference. Notwithstanding the later deadline set forth in Superior Court Rule of Civil Procedure 16 (b), Motions *in Limine* should be filed at least three weeks before the pretrial conference, unless leave of Court is given to file later. Oppositions to motions *in limine* should be filed no later than one week prior to the pretrial conference.

VI. VIRTUAL COURTROOM PROTOCOL

Guidelines: When entering the virtual courtroom (by dialing in on a phone, or signing in through the website or app), the party should place their microphone on mute. If you are using the WebEx website or the app, you may check in with the courtroom clerk using the “chat” function. If you are on a telephone, you should wait for your case to be called.

Exhibits: If a party or counsel intends to rely on exhibits or other documents during the hearing, the party or counsel shall e-mail the exhibits to the Court at JudgeIrvingChambers@dcsc.gov, copying all sides, no later than 5:00 p.m. the day before the hearing. The party or counsel must file the exhibits on the docket using the CaseFileXpress 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 remote hearing. In addition, the Court may send a link to the parties requiring that exhibits be uploaded to the Box cloud.

VII. VIRTUAL TRIALS

Trial Status Update: On the Wednesday preceding a Monday trial date (or three business days prior to the beginning of a trial set for any other day of the week), the parties jointly or, if mutually agreed upon, through one party making a joint representation, will call chambers and inform the Court of the status of the trial. This update should include the status of any settlement discussions, the estimated length of the trial (not to exceed the time set at the pretrial conference), any issues that need to be brought to the Court’s attention, and any changes to the posture of the case that may have occurred since the pretrial conference.

Exhibit Index: On the first day of trial, each party must submit an exhibit summary form by emailing the form to JudgeIrvingChambers@dcsc.gov. Parties may obtain this form from the Clerk’s Office or on the Court’s website.

Custody of Exhibits: 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 may 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 a.m. of the next trial date to Judge Irving’s chambers staff and to all other parties.

Rule on Witnesses: Judge Irving enforces the rule on witnesses for all virtual trials. Accordingly, each party is responsible for ensuring that their non-party witnesses are not logged into the trial proceeding at any point other than when they are testifying.

VIII. OTHER MATTERS

Contact with Chambers: Counsel or parties shall contact the Clerk of the Civil Division's office at the following telephone number, (202) 879-1133, to ascertain the status of motions, except as may be required by extraordinary or emergency circumstances. The only matters that the Court will address over the telephone through its staff are scheduling matters, but only if all parties are present by teleconference. Chambers staff will not provide legal advice, and parties and counsel shall not attempt to engage in *ex parte* communications with the Court.

Effective January 2021