

**SUPPLEMENT TO GENERAL ORDER
JUDGE JOSÉ M. LÓPEZ
CIVIL II CALENDAR 14**

I. GENERAL INFORMATION

Judge: José M. López

Chambers: Room 3420
Moultrie Courthouse
500 Indiana Avenue, N.W.
Washington, DC 20001

Phone: (202) 879-7877

Chambers Email Address: JudgeLopezChambers@dcsc.gov

Judicial Admin. Assistant: Hisami Bates
Hisami.Bates@dcsc.gov

Law Clerk: Hannah Nallo
Hannah.Nallo@dcsc.gov

Daniel Cappelletti
Daniel.Cappelletti@dcsc.gov

Fax: (202) 879-0144

Courtroom: Courtroom 212
Moultrie Courthouse
500 Indiana Avenue, N.W.
Washington, DC 20001

Courtroom phone: (202) 879-1525

Unless otherwise directed, proceedings in matters on Calendar 14 will take place in Courtroom 212. Pretrial and settlement conferences are conducted in Courtroom 212 or in the adjoining jury room.

Weekly Schedule

Unless otherwise directed, matters on Calendar 14 are scheduled as follows:

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

Trials: Mondays, Tuesdays, Wednesdays, and Thursdays, from 9:30 a.m. until 4:45 p.m.

Scheduling Conferences, Oral Examinations, Ex Parte Proofs, and other matters: Fridays beginning at 9:30 a.m.

Motion Hearings: As scheduled by Chambers.

II. COMPLIANCE WITH LOCAL RULES

All parties must comply with D.C. Superior Court Rules. A copy of the rules is available at: <http://www.dccourts.gov/civilrules>.

Self-represented parties can find helpful information in the “Handbook for People Who Represent Themselves in Civil Cases” which can be picked up at **Civil Actions Clerk’s Office**, Moultrie Courthouse, Room 5000, or on the court website https://www.dccourts.gov/sites/default/files/matters-docs/Handbook%20Revised%20Final_9%202021%2018.pdf. The Clerk’s Office can answer basic questions about court procedures at **(202) 879-1133**.

III. COMMUNICATIONS WITH CHAMBERS

Parties are discouraged from contacting Chambers by phone. Judge López’s staff may not and will not provide advice of any kind about court rules, practices, or procedures. Judge López 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.

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

IV. MOTIONS

Consent to motions: Judge López 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 López 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 López generally grants consent motions – without waiting for any response.

Paper copies: Administrative Order 06-17 requires that when an entire eFiling including exhibits exceeds twenty-five pages, a paper courtesy copy should be mailed to chambers in addition to eService. All courtesy copies delivered to chambers must be fastened/bound. If a party fails to comply with this requirement, Judge López may decide not to consider the filing.

Proposed order: As of April 23, 2019, all motions and proposed orders that are efiled must be filed as a Word document. If a party does not submit a proposed order in such format, Judge López 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 López discourages memoranda more than ten pages long. No party may submit a motion and memorandum more than fifteen pages long without leave of the court. Judge López grants leave to file longer documents only in extraordinary circumstances. If a party fails to comply with these rules, Judge López may summarily deny the motion, and if the party chooses to refile the motion, it will pay another \$20 filing fee.

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 if the party seeks summary judgment on multiple grounds, or one motion *in limine* if the party seeks pretrial rulings on multiple issues. The party (or parties) may file with the consolidated motion a motion for leave to file a longer brief to the extent that more pages are needed to address multiple issues. Judge López ordinarily grants motions for reasonable increases in page limits because consolidated motions are more efficient and require fewer total pages than separate motions. Judge López may deny separate motions to the extent they avoid the usual page limits.

Reply briefs: Parties who wish to file a reply brief may do so within seven days of the filing of an opposition brief without leave of the Court. No party may submit a reply more than five pages long without leave of the court. A party may not file 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 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 López does not automatically grant multiple extensions of scheduling orders even when the parties agree. Judge López 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 López 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. It is not a sufficient justification that the lawyers were too busy on other matters to complete tasks on the schedule that they previously proposed and agreed to.

Moreover, the longer the requested extension, the stronger the justification that Judge López expects.

Except in extraordinary circumstances involving unforeseen and unforeseeable events, all motions seeking to extend a deadline or continue a hearing date must be filed **at least** 3 business days before that date.

Any motion to reschedule a hearing must suggest three alternative dates and times that are convenient to all parties.

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

E-filed motions: It takes time for e-filed motions and other filings to reach chambers. It generally takes 2 business days for the Clerk's Office to process filings. 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>, contact the Clerk's Office at (202) 879-1133, or check Casefileexpress.com. If a party contacts chambers, that party will be told only that Judge López rules on any pending motion as promptly as possible.

Emergency motions: Judge López 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 JudgeLopezChambers@dcsc.gov and other parties, with a copy of the motion and the proposed order (in an editable format) attached.

V. DISCOVERY

Judge López strictly enforces the requirements in Rules 26(h) and 37(a)(1)(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 advance consultation. If a party submits such a motion without such a certification, Judge López may summarily deny the motion, and if the party chooses to refile the motion with the certification, it will pay another \$20 filing fee.

Judge López conducts hearings on motions to compel approximately once per month. The motion will be heard after it is ripe for ruling. All parties will receive an order with the hearing date, time, and location. If a motion to compel is resolved prior to the hearing date parties are encouraged to file a praecipe withdrawing the motion and canceling their hearing date as soon as possible.

VI. SCHEDULING AND SETTLEMENT CONFERENCES

Scheduling praecipes: Notwithstanding the earlier deadline in Rule 16(b)(2), Judge López will approve a Civil Action Form 113 (“Praecipe Requesting Schedule Order”) submitted up to 12:00 p.m. 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, Judge López encourages attorneys to consult with opposing counsel and submit a CA 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 shall bring a calendar. Judge López, 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 López will set a schedule, and the party may later file a motion to modify the schedule if the party so chooses 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 López may vacate a pretrial conference *sua sponte* if the parties have not timely filed the joint pretrial statement.

Motions *in limine*: Consistent with Rule 16(d), parties should file motions *in limine* at least three weeks before the pretrial conference, unless the Court grants leave to file them later. Oppositions to such motions should be filed no later than one week prior to the pretrial conference. Judge López generally rules on motions *in limine* at the pretrial conference.

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

Non-party principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in person. Judge López 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.

Pretrial status hearing: At the pretrial conference, Judge López ordinarily schedules a trial date, and he 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 López can usefully address before trial.

VII. 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 email JudgeLopezChambers@dcsc.gov, with the subject “ Trial Update in Case No.____” stating the status of any settlement discussion and whether the parties expect to proceed on the scheduled trial date.

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

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

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/node/18758>

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

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 should be part of the record on appeal.

B. Jury selection and instructions

Before trial, Judge López via email provides the parties with an overview of jury selection and trial procedures.

The parties must submit any proposed jury instructions (to include substantive language, not just instruction numbers) in Word format to JudgeLopezChambers@dcsc.gov before the start of trial. Parties will be provided with proposed initial and final jury instructions before closing arguments, and Judge López solicits comments from the parties. Judge López instructs the jury after closing arguments.

C. Availability during deliberations

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

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.