

SUPPLEMENT TO GENERAL ORDER- JUDGE FLORENCE PAN

I. CHAMBERS STAFF AND COURTROOM FOR CALENDAR 9

Judge: Florence Pan

Chambers: Suite 3410, Moultrie Building
500 Indiana Avenue, N.W.
Washington, DC 20001

Chambers email address: judgepanchambers@dcsc.gov

Law Clerks: Rachel Lerner (Rachel.Lerner@dcsc.gov)
Natasha Ertzbischoff (Natasha.Ertzbischoff@dcsc.gov)

Judicial Administrative Assistant: Matt Bryden (Matthew.Bryden@dcsc.gov)

Courtroom: 415, Moultrie Building

During the period of remote operation, as determined by the Chief Judge of the Superior Court, all proceedings will take place in Virtual Courtroom 415, which the parties and counsel may access in the following ways:

- (1) going to the WebEx website at <https://dccourts.webex.com/meet/ctb415> or going to <https://dccourts.webex.com> and entering meeting ID number 129 314 3475; or
- (2) downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb415>; or
- (3) calling 1-844-992-4726 or 202-860-2110 and entering meeting ID number 129 314 3475#.

Parties having trouble connecting to their remote hearing may call chambers at 202-879-1880 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.

During the pendency of the Chief Judge's Amended order regarding emergency operations (currently in effect through November 9, 2020), *pro se* litigants are strongly encouraged to file through CaseFileXpress. If they are unable to do so, they are to email filings to judgepanchambers@dcsc.gov and mail to the Civil Clerks' Office and the opposing parties. Parties should not go to the courthouse.

II. WEEKLY SCHEDULE

Judge Pan generally sits between the hours of 9:30 a.m. and 4:45 p.m., with a break for lunch at 1:00 p.m.

Unless otherwise directed, matters on Calendar 9 are scheduled as follows:

Pretrial/Settlement 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. Note that the Court is not currently scheduling any jury trials to start before June 2021.

Scheduling Conferences, Oral Examinations, *Ex Parte* Proofs, and other matters: Fridays beginning at 9:30 a.m. Virtual hearings are scheduled within hour-long blocks, with approximately five cases involving represented litigants or three cases involving unrepresented litigants in each block.

Motion Hearings: As scheduled by Chambers.

III. COMMUNICATIONS WITH CHAMBERS

No party or lawyer may contact chambers by telephone. Judge Pan's staff may not and will not provide advice of any kind about court rules, practices or procedures. Judge Pan 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 both of the law clerks and the judicial administrative assistant, copying the other party or parties.

IV. SCHEDULING PRAECIPES

Notwithstanding the earlier deadline set forth in Rule 16(b) of the Superior Court Rules of Civil Procedure, Judge Pan 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.

V. MOTIONS

Consent Motions: Judge Pan strictly enforces the requirement in Rule 12-I(a) of the Superior Court Rules of Civil Procedure that, before filing any motion (except pursuant to Rule 11), the moving party must first ascertain whether other affected parties will consent to the relief sought. Judge Pan requires that parties include a certification indicating whether the affected parties consent to the requested relief. Judge Pan may summarily deny a motion that does not contain the requisite certification. The title of every motion must indicate whether the motion is opposed or consented. Judge Pan generally grants consent motions.

Proposed Order: Proposed orders shall be submitted through CaseFileXpress. Any proposed consent order must be filed with a motion requesting the relief sought, and explaining the basis for the request. A proposed consent order filed without an accompanying motion will be summarily stricken from the Court's docket.

Length of Filings: Judge Pan discourages memoranda more than ten pages long. No party may submit a motion and memorandum more than twenty pages long without leave of Judge Pan. If a party fails to comply with these rules, Judge Pan may summarily deny the motion.

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 that is more than five pages long, or a sur-reply without leave of Judge Pan.

E-Filed Motions: It generally takes at least 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 or why a particular filing was rejected should check online at <http://www.dccourts.gov/internet/CCO.jsf>, contact the Clerk’s Office at (202) 879-1133, or check CaseFileXpress.com. Parties may not contact chambers to inquire about rejected filings. If the Clerk’s Office initially rejects a filing, which causes the filing to be out of time, the affected party must file a motion to late-file the papers in question.

Motions in Limine: Judge Pan 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 alternative dates and times that are convenient to both parties. A motion that is not filed at least three days in advance may be ignored with no action taken by the Court.

Consolidated Motions: A party ordinarily should raise in one motion all of the 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 because consolidated motions are more efficient and require fewer total pages than separate motions.

Emergency Motions: Parties should request expedited action only in truly urgent situations. Parties and attorneys should be aware of the requirement of Rule 12-I(e) that the non-moving party be granted fourteen days within which to file a written opposition. Merely because a party labels a pleading as an “emergency motion” does not mean that the Court will act on an expedited basis. A party filing an emergency motion must send a courtesy copy of the motion by email to Judge Pan’s chambers staff and to the other parties.

V. **DISCOVERY**

Motions to Compel Discovery: The Court strictly enforces the requirements set forth in Rules 26(h) and 37(a), which require the parties to meet for a reasonable period of time in an effort to resolve or narrow any discovery dispute and to include a certification regarding such a meeting in discovery-related motions. If a party submits a discovery-related motion without a certification, the Court may summarily deny the motion. The Court places pending discovery motions on its Discovery Motions Calendar; and if a hearing is held, the Court will award attorneys’ fees and costs to the prevailing party, as prescribed by Rule 37(a)(5).

VI. SCHEDULING AND PRETRIAL CONFERENCES

Non-party Principals: Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend mediation sessions and pretrial conferences in person. 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.

Scheduling and Calendars: Any party or lawyer who attends a hearing during which the Court may reasonably be expected to schedule a hearing or deadline shall bring a calendar. If a party or lawyer does not have his or her schedule immediately available, Judge Pan will set a schedule, and the party may later file a motion to modify the schedule if the party so chooses.

Joint Pretrial Statements: Counsel and parties are reminded that Rule 16(e) of the Superior Court Rules of Civil Procedure requires the filing of a joint pretrial statement no later than one week before the pretrial conference. Judge Pan may order a continuance of a pretrial conference if the parties have not timely filed a joint pretrial statement that satisfies the requirements of Rule 16(e).

VII. 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 not attempt to speak because another hearing may be underway. Each party should be automatically muted by the courtroom clerk when you first arrive. 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 judgepanchambers@dcsc.gov, copying all sides, no later than 5:00 p.m. the day before the hearing. The party or counsel must also 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.

VIII. VIRTUAL BENCH TRIALS

Schedule: During the period of remote operation, Judge Pan will hold all bench trials remotely in Virtual Courtroom 415. Trials are generally scheduled to begin on Mondays at 9:30 a.m. Parties and attorneys should be prepared, however, to begin trial on Monday, Tuesday, Wednesday, or Thursday during the week that the trial is scheduled. Judge Pan generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m. By rule, Judge Pan will adjourn each day no later than 4:45 p.m.

Exhibit Index: On the first day of trial, each party must submit an exhibit summary form by emailing to the form to judgepanchambers@dcsc.gov. Parties may obtain this form from the Clerk's Office or on the Court's website at www.dccourts.gov/internet/documents/dcsc15r1-06.pdf.

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 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 a.m. of the next trial date to Judge Pan's chambers staff and to all other parties.

Rule on Witnesses: Judge Pan enforces the rule on witnesses for all virtual bench 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.

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.

IX. IN-PERSON COURTROOM PROTOCOL AND PROCEDURES

Addressing the Court: For in-person hearings, physically able attorneys and *pro se* parties are expected to stand when addressing the Court. Speaking objections are prohibited.

Questioning of Witnesses & 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.

Parties should note that Courtroom 415 is equipped with a digital projector, VGA and HDMI cables, and television screens. Parties may use this technology to display documents and physical objects to the Court and the jury. If a party intends to use any of this equipment during a hearing, the party should send an email to Judge Pan's chambers staff and courtroomtechnology@dcsc.gov on the day before the hearing so the Court can be prepared to facilitate the use of its technology. The email should include a brief description of the technology the party intends to use.

X. IN-PERSON JURY TRIALS

Schedule: Jury trials are scheduled to begin on Mondays at 9:15 a.m., and thereafter generally are held between 9:30 a.m. and 4:45 p.m. Parties and attorneys should be prepared, however, to begin trial on Monday, Tuesday, Wednesday, or Thursday during the week that the trial is scheduled. Judge Pan generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m.

Jury Instructions and Objections: One week prior to trial, the parties shall email a copy of the proposed verdict forms and the proposed standard and special jury instructions in Microsoft Word format to JudgePanChambers@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.

Juror Notes: The Court allows jurors to take notes.

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 www.dccourts.gov/internet/documents/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, the parties should raise it by sending an email by 8:30 a.m. of the next trial date to Judge Pan's chambers staff and to all other parties.