

**SUPPLEMENT TO GENERAL ORDER ON TRIAL PROCEDURES  
JUDGE ANTHONY C. EPSTEIN  
CIVIL CALENDAR 11  
SEPTEMBER 2013**

**I. GENERAL INFORMATION**

**Judge:** Anthony C. Epstein

**Chambers:** Room 2630  
Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, DC 20001

**Phone:** (202) 879-7812

**Fax:** (202) 879-1797

**Email Address:** JudgeEpsteineserve@dcsc.gov

**Judicial Admin. Assistant:** Marilyn O’Neal

**Law Clerk:** Sonja S. Carlson

**Courtroom Clerk:** Andrew Moore

**Courtroom:** A-47  
Building A  
515 Fifth Street, N.W.  
Washington, DC 20001

**Courtroom phone:** (202) 879-2847

Unless otherwise directed, matters on Calendar 11 will take place in Courtroom A-47. Pretrial and Settlement Conferences are conducted in Courtroom A-47 or in the adjoining jury room.

**II. COMMUNICATIONS WITH CHAMBERS**

Except as specifically authorized in this Supplement, no party and no lawyer may contact chambers by telephone. Judge Epstein’s staff may not and will not provide advice of any kind about court rules, practices, or procedures. Judge Epstein 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.

### III. MOTIONS

**Consent to motions:** Judge Epstein 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 Epstein 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 Epstein generally grants consent motions.

**Proposed order:** Judge Epstein strictly enforces the requirement in Administrative Order 06-17 that a party filing a motion must submit electronically to JudgeEpsteineserve@dcsc.gov a proposed order in a format that can be edited (generally Word or Word Perfect). If a party does not submit a proposed order in such format, Judge Epstein 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 Epstein discourages memoranda more than ten pages long. No party may submit a motion and memorandum more than fifteen pages long without leave of Judge Epstein. Judge Epstein grants leave to file longer documents only in extraordinary circumstances. If a party fails to comply with these rules, Judge Epstein 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.

**Consolidated motions:** A party (or multiple parties represented by the same lawyer, such as an employer and employee defendants) 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* if the party seeks summary judgment on multiple grounds or 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 Epstein ordinarily grants such motions because consolidated motions are more efficient and require fewer total pages than separate motions. Judge Epstein 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 five business days of the filing of an opposition brief without leave of the court. No party may submit a reply to an opposition more than five pages long without leave of Judge Epstein.

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

**Motions for extension of time:** 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 the extension.

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 alternative dates and times that are convenient to both parties.

**E-Filed Motions:** It takes time for e-filed motions and other filings to reach Chambers. It generally takes 1-2 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 [www.dccourts.gov/pa](http://www.dccourts.gov/pa) or contact the Clerk's Office at (202) 879-1133. If a party contacts chambers, that party will be told only that Judge Epstein rules on any pending motion as promptly as possible.

**Emergency motions:** Judge Epstein 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 [JudgeEpsteinEserve@dcsc.gov](mailto:JudgeEpsteinEserve@dcsc.gov) and other parties, with a copy of the motion and the proposed order (in an editable format) attached.

#### **IV. DISCOVERY**

Judge Epstein strictly enforces the requirements in Civil Rules 26(i) and 37(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 Epstein 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 AND SETTLEMENT CONFERENCES**

**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 Epstein, 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 Epstein 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.

**Non-party principals:** Except in extraordinary circumstances with prior judicial approval, non-party principals with settlement authority must attend settlement conferences in person. Judge Epstein 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. 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 call chambers and inform chambers whether the parties expect to proceed on the scheduled trial date.

**Schedule:** Judge Epstein 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 Epstein generally takes one morning and one afternoon break, as well as a lunch break between approximately 1:00 and 2:00 p.m.

**Mid-trial issues:** If an issue arises during trial, Judge Epstein encourages parties to raise it by sending an email by 8:30 a.m. of the next trial day to [JudgeEpsteineserve@dcsc.gov](mailto:JudgeEpsteineserve@dcsc.gov) and [anthony.epstein3@dcsc.gov](mailto:anthony.epstein3@dcsc.gov), with a copy to all other parties.

**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 <http://www.dccourts.gov/internet/documents/dcsc15r1-06.pdf>.

**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 the meeting three weeks before the pretrial conference required by Rule 16(c), Judge Epstein provides the parties with (1) an overview of jury selection and trial procedures and (2) a set of proposed initial and final jury instructions, and he solicits comments from the parties.

Judge Epstein instructs the jury before closing arguments.

## **C. 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.