

**SUPPLEMENT TO GENERAL ORDER
JUDGE MICHAEL O’KEEFE
CIVIL CALENDAR 1
SEPTEMBER 2013**

I. GENERAL INFORMATION

Judge: Michael O’Keefe

Chambers: Room JM-680
500 Indiana Avenue, N.W.
Washington, DC 20001

Phone: (202) 879-4883

Fax: (202) 879-4794

Email Address: JudgeO’KeefeEServe@dcsc.gov

**Judicial Admin. Asst./
Sr. Law Clerk:** Steve LoGerfo
Michael.OKeefe2@dcsc.gov

Law Clerk: Danielle Sunberg
Michael.OKeefe3@dcsc.gov

Courtroom Clerk:

Courtroom: B-52 (Building B)
510 Fourth Street, N.W.
Washington, DC 20001

Courtroom phone: (202) 879-1688

Unless otherwise directed, matters on Calendar 1 will take place in Courtroom B-52. Pretrial and Settlement Conferences are conducted in Courtroom B-52 or in the adjoining jury room.

II. COMMUNICATIONS WITH CHAMBERS

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

Notwithstanding the earlier deadline set in Superior Court Rule of Civil Procedure 16(b), Judge O'Keefe will approve a Civil Action Form 113 (Praecipe Requesting Schedule Order) submitted up to 5:00 p.m. two days prior to the scheduling conference date. In cases in which all parties are represented by counsel and there are no pending motions or other matters requiring the Court's attention, Judge O'Keefe strongly encourages attorneys to consult with opposing counsel and submit a CA Form 113 rather than appearing in court for a scheduling conference.

IV. MOTIONS

Consent to motions: Judge O'Keefe strictly enforces the requirement in Rule 12-I(a) that, *before* a party files a motion, it *must seek the consent* of the other parties and include in the motion a certification that the party sought consent. If a party does not include such a certification, Judge O'Keefe may summarily deny the motion. The re-filing of any motion will require another \$20 filing fee.

The title of the motion should indicate whether it is opposed or unopposed.

Proposed order: Judge O'Keefe strictly enforces the requirement in Administrative Order 06-17 that a party filing a motion must submit electronically to JudgeO'KeefeEServe@dcsc.gov a proposed order in **Microsoft Word**. If a party does not submit a proposed order in such format, Judge O'Keefe may summarily deny the motion.

Length of filings: Judge O'Keefe discourages memoranda more than ten pages long. Pursuant to the General Order, parties must deliver to chambers a hard copy of all filings in excess of 25 pages. If a party fails to comply with these rules, Judge O'Keefe may summarily deny the motion, and if the party chooses to re-file 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 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 O'Keefe.

Motions for leave to file: A party seeking leave to file a document must 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 or contact the Clerk's Office at (202) 879-1133.

Emergency motions: Judge O'Keefe 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 JudgeO'KeefeEserve@dcsc.gov and the other parties, with a copy of the motion and the proposed order (in an editable format) attached.

V. DISCOVERY

Judge O'Keefe 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 such a meeting. If a party submits such a motion without such a certification, Judge O'Keefe may summarily deny the motion.

VI. 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. If the person does not have his or her schedule immediately available, Judge O'Keefe 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 O'Keefe 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.

VII. TRIALS

A. Pretrial and trial procedures

Joint pretrial statements: Counsel and parties are reminded that Superior Court Rule of Civil Procedure 16(e) requires the filing of a joint pretrial statement no later than one week prior to the pretrial conference. Judge O'Keefe may *sua sponte* cancel and continue a pretrial conference if the parties have not timely filed the joint pretrial statement.

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 O'Keefe schedules trials to begin on Mondays at 9:30 a.m. Trials generally proceed Monday through Thursday from 9:30 a.m. to 4:45 p.m. Judge O'Keefe

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 O’Keefe encourages parties to raise it by sending an email by 8:30 a.m. of the next trial day to Michael.Keefe@dcsc.gov, Michael.Keefe2@dcsc.gov and Michael.Keefe3@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 it wishes to include in the record on appeal.

B. Jury selection and instructions

Before the meeting three weeks before the pretrial conference required by Rule 16(c), Judge O’Keefe provides the parties with (1) an overview of jury selection and trial procedures and (2) a set of proposed standard final jury instructions, and he solicits comments from the parties. Parties should suggest additional jury instructions which are specific to the facts of their case.

Judge O’Keefe 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 at which they can be reached.