

**STATE OF RHODE ISLAND**

**DISTRICT COURT**

**ADMINISTRATIVE ORDER 2020-01**

**RE: COVID-19 Emergency Measures  
Phase I – Protocol for Civil Matters –  
[There Will be a Separate Order to Address Eviction Matters]**

In response to the COVID-19 health crisis and in furtherance of the most recent Rhode Island Supreme Court Executive Order, the Rhode Island District Court is temporarily implementing the following practices and protocols for all civil filings except for eviction matters, which will be addressed separately. Please note that these procedures have resulted in numerous changes of language required in various notices and pleadings. (There will be a link provided to the new District Court forms and documents.) Please confirm that you have included the new language prior to sending any notices or filing any documents with the Court.

The District Court is authorized and encouraged to conduct hearings, where feasible, by remote access. We recognize however, that this directive presents unique challenges for the District Court because a substantial number of our litigants are self-represented and may not have access to the technology needed. Nonetheless, the Court is available to schedule any such remote hearing when requested and these requests should be directed to [amedina@courts.ri.gov](mailto:amedina@courts.ri.gov) and [soliver@courts.ri.gov](mailto:soliver@courts.ri.gov) (Prov) and [jnoonan@courts.ri.gov](mailto:jnoonan@courts.ri.gov). (Kent)

**Mediation –**

The Court encourages parties to utilize mediation services. Mediation provides parties the opportunity to define and understand their different perspectives, explore possible solutions, and work toward reaching a mutually satisfactory agreement without having to appear in Court. Any stipulations executed with the help of Court mediators will be given a priority for Judicial Review or Court assignment if a Court Review is needed or requested.

**Deadlines –**

In consideration of the Supreme Court Executive Order which extended all deadlines to May 29, 2020, no matters will be defaulted or ruled upon prior to June 2, 2020. All requests for defaults will be based upon the date set forth in a new notice, with a copy attached thereto.

**New Civil Case Filings –**

- Shall continue to be filed with the Court, except for Eviction Matters which will be addressed under a separate order.
- In response to pleadings filed after May 18, 2020 the defendant's time to answer, respond, or object shall be in accordance with the District Courts normal business practices.

**Defaults –**

- A notice shall be mailed to defendants giving them 20 days from the date on the mailing to answer, respond, or object to a pleading. The notice must include a certification of mailing.

- All appropriate documentation must be filed to obtain a default judgment. The documentation includes: Application for Entry of Default, Default Judgment, Proof of Claim, Affidavit of Non-Military Service and the notice that was sent to the defendant giving them additional time to respond to the pleadings, if the pleading was filed prior to March 16, 2020 and given an extended deadline until May 29, 2020 under the Executive Order.
- An answer, response, or an objection to a pleading must be received on or before the specified deadline indicated on the pleading. Responses may be sent by regular US Mail, or through the Courts Electronic Filing System.
- If a defendant's answer has not been received or filed in a timely manner the matter shall be defaulted
- *(There may be a possibility of a drop off box at the Courthouse in order to allow for Court filings).*
- The Court is placing a limit on the number of Default Judgments that can be filed with the Court. There shall be no more than twenty-five (25) that can be filed per law firm, per day, per division. **This number may be reviewed in the future.**
- Motions for entry of default judgments shall not be placed on the civil calendar at this time.

### **Motions for Summary Judgment and Motions for Judgment on the Pleadings**

Upon filing a Motion for Summary Judgment or a Motion for Judgment on the Pleadings, a Objection date shall be set forth in the motion giving the defendant the opportunity to file an objection on or before the date. If the objection is not timely received, the matter will be decided by judicial review on the documents and affidavits attached thereto. No Court date will be assigned.

When filing the Motion, you must also include a Proposed Order for the Judicial Officer to sign. The documents shall be filed as follows:

1. The Motions shall be the first lead document
2. The Order shall be filed as a Proposed Order as a second lead Document (not as an attachment).

If an objection is filed, it must state the basis therefore. The parties must indicate whether they waive hearing. If a hearing is waived, the Court will render a decision based on the pleadings. If a hearing is not waived, the Court will assign a hearing date.

If a hearing requested, a hearing date will be assigned by the Court.

### **Decisions on Pleadings on Other Motions and Filings –**

The rules relating to specific motions and filings will include notice of timeframes for objections to be received by the Court. If an objection is not timely received, in accordance with specific rules, certain motions, including Motions to Extend Time, Motions for Alternative Service and Motions for Conditional Default/Dismissal for Failure to Respond to Discovery may be decided on the filings, with online Judicial Review. Some matters will allow Proof of Claim by affidavit, others will require oral testimony. Please check the specific protocol for detail.

### **Filing Order –**

- When filing a Motion that will be reviewed by a Judicial Officer the documents shall be filed as follows:
  1. The Motion shall be the first lead document
  2. The Order shall be filed as a Proposed Order as a second lead document (not as an attachment).

### **Motions – Rule of Court Motion Calendar**

No Rule of Court Motions shall be granted until after May 29, 2020.

#### **Rule of Court Motions:**

**Motion to Amend a Pleading; Motion for Leave to Serve a Third-Party Complaint; Motion for an Order for a Physical or Mental Examination; Motion to Consolidate cases for Trial; Motion to Compel Answers to Interrogatories; Motion to Compel More Responsive Answers to Interrogatories; Motion to File a Complaint Out of Time; Motion to Enlarge Time to File Answers to Interrogatories; Motion to Compel Production of Document; Motion to Attach Wages; Motion to Charge the Garnishee; Notice of Attachment (Not for Wages)**

### **Previously Scheduled Motions –**

- Attorneys shall mail a notice to the defendant on or after May 19, 2020 giving the defendant 30 days from the date of the mailing (attorney to

calculate specific date) for the defendant to file an objection to the motion; or, attempt to work out a payment agreement with the defendant. The notice must include a certification of mailing.

- If an objection is not filed by the specified date, the matter shall be granted by rule of Court.
- If an objection is filed, the Court will mail a hearing notice to the defendant to appear in Court on a date in the future.

### **Newly Filed Motions –**

- The motion shall include only an objection date (no less than 25 days from the date of filing) which the defendant must file an objection or attempt to work out a payment agreement. The notice must include a certification of mailing.
- If an objection is not filed by the specified date, the matter shall be granted by rule of Court.  
If an objection is filed, the Court will mail a hearing notice to the defendant to appear in Court on a date in the future.

### **Motions to Assign for Trial –**

- On hold until further notice

### **Attorneys' Fees –**

- There will be no award of attorneys' fees on defaulted cases until further notice.

## **Post Judgment Motions**

### **Motions to Adjudge in Contempt**

- On Hold until further notice

### **Notice of Attachments – Not for Wages**

- On hold until June 15, 2020

*Attorneys who may be in opposition to these motions being put on hold are encouraged to file a legal memorandum in regard to issue.*

### **Trials**

- Pending Trials, Civil and Small Claims will be rescheduled to a date after October 13, 2020.
- No new motions to assign trials will be accepted until further notice, unless given special permission of the Court.

### **Motions to Attach Wages**

- New Motions to Attach Wages filed after May 19, 2020 the attorney will use the revised Motion to Attach Wages form. An Address Verification form will also be filed, only if the attorney has determined that the defendants address has changed from the original case filing date. These forms are located on the Judiciary's website [www.Courts.ri.gov](http://www.Courts.ri.gov).
- The defendant must file an objection by the objection date as indicated on the motion. If no objection has been filed, the matter shall be granted by rule of Court.
- Should the defendant file an objection to the motion, the Court shall mail a hearing notice to the defendant for a date in the future.

### **Citation in Supplementary Proceedings – Pending**

- Hearings that have been previously scheduled the Attorney will send a notice to the defendant giving them 25 days to contact their office to work out a payment agreement.
- Should the defendant fail to contact the Attorney's Office, the Court will generate and mail a hearing notice to the defendant to appear in Court on a date in the future.
- The Attorney must provide an address verification form, only if the attorney has determined that the defendants address has changed from the original case filing date. The form is located on the Judiciary's website [www.Courts.ri.gov](http://www.Courts.ri.gov).

### **New Request for Execution/Citations and Application for Citations**

- The language on the Courts citations has been changed and will no longer have a date to appear in Court for a Citation Hearing.
- The Citation will now direct the defendant to contact the Attorney within twenty-five (25) days from being served in the attempt to work out a payment agreement.
- If the defendant fails to do so the attorney will e-file a request for a hearing, along with the Address Verification form, only if the attorney has determined that the defendants address has changed from the original case filed date.

- The Court will then mail a hearing notice to the defendant to appear in Court on a date in the future.

**Body Attachments –**

- No body attachments will be issued or served until further notice.

**Remote Hearings:**

*All hearings will be held remotely by WebEx Video Conferencing, will be recorded by the Courts digital recording system and the audio of the hearing will be made available to the public through YouTube streaming. WebEx allows the Court to set up the video call without any cost to the participants. All that is required is a camera and microphone on the participant's computer, an iPhone or an Android device. The WebEx application will then need to be downloaded to the device. WebEx participation is required for any attorney who will be addressing the Court. A 15-minute video explaining how to use the WebEx system has been prepared by Associate Justice Stern and can be found on the Judiciary's website.*

Entered as an Order of this Court on this 15th day of May 2020.

Enter:

/s/  
Jeanne E. LaFazia  
Chief Judge

By Order:

/s/  
Stephen Waluk  
Administrator