

STATE OF RHODE ISLAND

SUPERIOR COURT

FORMAL AND SPECIAL CAUSE CALENDAR PROTOCOLS – ALL COUNTIES

Beginning June 26, 2023, the following protocols are hereby established regarding matters on the Formal and Special Cause Calendar. These protocols supersede any prior protocols issued and will remain in full force and effect until further order of the court.

I. FILING MOTIONS FOR NON-EMERGENCY MATTERS:

A. Providence County:

Non-Emergency Formal and Special Cause motions may be filed for hearing on any day that the Court is in session and upon at least ten days' notice in accordance with Super. R. Civ. P. 6(c).

1. **Supplemental proceedings and collection related matters** shall be scheduled for **Wednesdays at 9:30 AM**. Motions to attach wages are Super. R. Civ. P. 7(c) motions and attorneys need not appear unless an objection is filed in accordance with the Rule. If a defendant appears *pro se* and has failed to file an objection and plaintiff's attorney is not in the Courtroom, the Court may continue the Motion to another date and the Formal and Special Cause Calendar Clerk will notify counsel of the new date.
2. **Real estate formal matters**, including tax titles and petitions to foreclose the right of redemption, judicial foreclosures, partition suits, deed and mortgage reformations shall be scheduled for **Tuesday and Thursday mornings at 9:30 am**.
3. **All other formal or brief non-evidentiary contested matters** should be scheduled for **Tuesday and Thursday mornings at 9:30 AM** unless otherwise permitted by the Court.
4. **Evidentiary hearings, oral arguments on dispositive motions** with respect to matters assigned to the Formal and Special Cause Calendar **and lengthy contested matters** should be scheduled for **Tuesday and Thursday afternoons at 2:00 PM** and other days and times as permitted by the Court.
5. Matters referred to in items (1) thru (3) above may be assigned for hearing with an Omnibus Form **without** the Formal and Special Cause Calendar Clerk's approval by simply selecting a hearing date and providing at least two weeks' notice.

6. To schedule a hearing on a matter in item (4) above and matters in items (1) to (3) above **with less than ten days' notice**, the hearing date on the Omnibus Form must be approved by the Formal and Special Cause Calendar Clerk.
7. All matters will be heard in-person unless the Hearing Justice, on his or her initiative or in response to a request by a party, determines otherwise.
8. All matters involving self-represented litigants will be conducted in-person **with notice being given to all parties**.

B. Kent County, Washington County, Newport County:

1. Formal and Special Cause motions may be filed for hearing on Friday of every week (excepting holidays), upon ten days' notice in accordance with Super. R. Civ. P. 6(c).
2. All matters will be heard in-person unless the Hearing Justice, on his or her initiative or in response to a request by a party, determines otherwise.
3. All matters involving self-represented litigants will be conducted in-person **with notice being given to all parties**.

II. FILING MOTIONS FOR EMERGENCY MATTERS, EVIDENTIARY HEARINGS OR CONTESTED PROCEEDINGS:

- A. Emergency motions, requests for evidentiary hearings or any other matter that may require a substantial amount of time shall be scheduled by the Formal and Special Cause Calendar Clerk assigned to that particular calendar.
- B. The Formal and Special Cause Calendar Clerk may be contacted by email at:
Providence County: FSCcalendar@courts.ri.gov
Kent County: KentMotions@courts.ri.gov
Washington County: WashingtonMotions@courts.ri.gov
Newport County: NewportMotions@courts.ri.gov
- C. The email should include a brief description of the matter to be heard as well as the expected length of time required.

III. BENCH COPIES (ALL COUNTIES):

- A. Parties are requested to submit two (2) hard copies of motions, memoranda, affidavits and/or objections of a substantive nature, particularly where motions are contested.
- B. For significant legal arguments, the parties are requested to also supply two hard copies of principal case law relied upon (which may be highlighted or otherwise marked for ease of reference).

- C. The two hard copies may be submitted by regular or overnight mail or by hand-delivery addressed to the Formal and Special Cause Calendar Clerk of the applicable County.
- D. For matters extensively briefed, it is also requested that the parties submit electronic copies in Word format to the Formal and Special Cause Calendar Clerk at the applicable email address in order to assist the Court in expediting the preparation of a bench memo.

I. AGENCY APPEALS:

- A. The agency shall electronically file the certified record with the Court.
- B. Within thirty (30) days of an agency appeal being filed, the parties shall file a consented to order for a briefing schedule or schedule a Super. R. Civ. P. 16 conference with the Hearing Justice sitting on the Formal and Special Cause Calendar by contacting the Formal and Special Cause Calendar Clerk.
- C. Within ten (10) days of all briefs being filed and as long as the record is complete, the Appellant shall file a Motion to Assign for Decision.
- D. If the Motion to Assign is by agreement of all parties, the Appellant shall notify the Formal and Special Calendar Clerk by email (copying all other counsel) that the Motion has been filed and agreed to by all parties.
- E. If no objection is filed within four (4) days, then the case will be assigned to a Judge for decision and possible oral argument. If an objection is filed, the Motion to Assign will be set down for hearing on the Formal and Special Cause Calendar.

II. TAX TITLES AND PETITIONS TO FORECLOSE RIGHT OF REDEMPTION:

- A. Petitions to Appoint Title Examiner will be decided on the filings and the selected title attorney must be on the Court approved list.
- B. Petitions to Appoint Attorney under the Servicemembers Civil Relief Act will be decided on the filings and the selected attorney must be on the Court approved list.
- C. Petitions to Appoint Guardian Ad Litem will be decided on the filings and the selected attorney must be on the Court approved list.
- D. Petitions for Approval of Examiner's Report:
 - 1. the Examiner's Report shall include a notation of the length of search performed.
 - 2. the Court may approve an Examiner's Report on the papers if the court appointed attorney certifies that a forty (40) year search was done in conformance with R.I.G.L. § 34-13.1-2.

3. if the length of search is shorter than forty (40) years, then the Court may require a hearing to approve the Examiner's Report.

E. Decree of Approval, Fixing Return Day of Citation and Order of Notice:

1. The Order should substantially state: "Said Citation, along with the Petition, shall be sent via Certified Mail, Return Receipt Requested, to all parties appearing to be interested at the address or addresses on file with the taxing authority and to the respondent's last known address, or if the respondent is a business entity, to its agent for service as well as its place of business."
2. The Court may decide an Order of Notice based on the papers when Petitioner indicates the reason why the requested manner of notice is being sought.¹ The Court always has discretion to have a hearing instead of deciding an Order of Notice on the papers.
3. Prior to a hearing on the merits of a Petition, if any respondent and/or anyone listed on the title examiner's report is deceased or petitioner believes they may be deceased, the Court may include in the Order of Notice a requirement to advertise in a newspaper most likely to reach the heirs or devisees of the decedent, unless the Petitioner can provide evidence satisfactory to the Court of due diligence conducted to find heirs or devisees.
4. If the actual whereabouts of a Respondent cannot be ascertained or in the event of any unusual circumstances, such as if a respondent corporation or limited liability company has become defunct, Petitioner should schedule a hearing to determine the method of notice, unless the Petitioner can provide evidence satisfactory to the Court of due diligence conducted.

F. Modification of any of the provisions of these protocols regarding Tax Titles and Petitions to Foreclose Right of Redemption may be permitted based on the facts and circumstances and for good cause shown with permission from the Court.

¹For example, if it appears service can be accomplished by constable or via certified mail, then Petitioner should indicate that, and the Court may sign that Order of Notice without the necessity of a hearing. Likewise, if Petitioner believes the Order of Notice should include advertisement and states the reason, the Court may also decide that on the papers.

/s/

Alice Bridget Gibney
Presiding Justice

Entered Date: June 21, 2023