

ADMINISTRATIVE ORDER 2021-02
Protocol for Civil Matters – Effective Immediately
(This does not apply to Eviction Cases)

The District Court continues to keep the safety of District Court personnel and court users a priority during the COVID-19 Pandemic. The number of in-person court hearings will continue to be reduced until such time as the courthouse can be safely open to full capacity.

Remote Hearings –

The Court encourages the use of remote hearings when both parties are in agreement. We recognize this presents unique challenges to District Court litigants, many of whom are self-represented and may not have access to the technology needed. If either party objects to a remote hearing, the matter will proceed in Court. The Court is available to answer questions and to schedule a remote hearing when requested. Requests should be directed to

amedina@courts.ri.gov AND lwilliams@courts.ri.gov (Prov.) and

jnoonan@courts.ri.gov (Kent)

Mediation –

The Court encourages parties to utilize mediation services. Any stipulations executed with the help of Court Mediators will be given priority for Judicial Review or Court assignment, if a Court Review is needed or requested. The Center for Mediation and Collaboration Rhode Island (CMCRI) provides mediators in the courtroom and may be reached at (401) 273-9999.

New Civil Case Filings –

- New filings will continue to be accepted by the Court.

Defaults –

- In order to request a default judgment, the following documents must be filed: Application for Entry of Default, Default Judgment, Written Proof of Claim where appropriate, and Affidavit of Non-Military Service.
- An answer, response, or an objection to a pleading must be received on or before the twentieth (20th) day from service of the summons and complaint. Objections must be filed by the specified deadline indicated on the pleading. Responses may be sent by regular US Mail, the Courts Electronic Filing System, or by using the drop box located at each of the four (4) Courthouses
- If a defendant's answer has not been received or filed in a timely manner, the matter may be defaulted. In Small Claims, the default will be entered automatically by the Court.
- The Court continues to place a daily limit on the number of Applications for Entry Default Judgments that can be filed. There shall be no more than twenty-five (25) defaults filed per law firm, per day, per division. This limit will continue to be reviewed and modified when possible.

- **Motions for entry of default judgments with Oral Proof of Claim may now be filed and will be scheduled by the Court based upon capacity and availability.**

Motions for Summary Judgment & Motions for Judgment on the Pleadings –

- Plaintiff must include a date in their motion by which the defendant must file an objection *and must instruct the defendant to set forth the reason for the objection.*
- 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.
- If an objection is timely received, the motion will be assigned for hearing and a hearing notice will be sent to the parties by the Clerk's Office.

Filing of Other Motions –

Rule of Court –

- Motions under Rule 7 of the District Court Civil Rules of Procedure shall be granted by Rule of Court. Plaintiffs/Plaintiff's Attorney shall mail the motion to the defendant providing the specific date by which the defendant must file an objection to the motion. **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 timely filed, the Court may decide the matter by Judicial Review or will mail a notice of hearing to all parties with a date to appear.

Judicial Review –

The following motions, when filed, may be decided by Judicial Review: Motions to Extend Time, Motions for Alternative Service, and Motions for conditional Default/Dismissal for Failure to Respond to Discovery. Additionally, those Rule of Court Motions where objections are filed may also be decided by Judicial Review.

Some matters allow Proof of Claim by affidavit, others will require oral testimony. Plaintiff's/Plaintiff's Attorney shall mail the motion to the defendant providing the specific date by which the defendant must file an objection to the motion. **The notice must include a certification of mailing.** If granted no court appearance will be necessary. If a hearing is needed the court will assign the matter for hearing.

- If an objection is not filed by the specified date, the matter shall be granted no court appearance will be necessary.
- If an objection is timely filed, the Court will mail a notice of hearing to all parties with a date to appear.

Small Claims Trials –

- Matters involving non-corporate and/or self-represented plaintiffs will be given priority and will be assigned for trial by the court based upon capacity and availability.

Civil Trials –

- The Court will begin to assign cases for trial that were filed **prior to March 17, 2020**. Scheduling will be based on capacity and availability. Attorneys should contact the Clerk's Office to have those cases assigned.
- The Court will continue to evaluate the scheduling of all other Civil Trials under COVID-19 guidelines.

Attorneys' Fees –

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

Motions to Adjudge in Contempt –

- Will not be heard until further notice.

Notice of Attachments – Not for Wages –

- These may be filed. If no objection is filed, the matters will to be granted by Rule of Court.
- If there is an objection the matter will be scheduled for a hearing on the Notice and will be scheduled by the court.

Motions to Attach Wages –

- Attorneys must continue to use the revised Motion to Attach Wages form DC-48 (revised June 2020). An Address Verification, form DC-65 (revised June 2020) 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.

Citation in Supplementary Proceedings –

- Upon the defendant being served with a Citation in Supplementary Proceedings, the defendant shall have twenty-five (25) days from the date of service to contact the Attorney’s Office to work out an agreement for payment.
- Should the defendant fail to contact the Attorney’s Office, the Attorney will notify the Clerk’s Office who will then 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.

Body Attachments –

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

Entered as an Order of this Court on this 8th day of March 2021.

Enter:

By Order:

/s/

/s/

Jeanne E. LaFazia
Chief Judge

Stephen Waluk
Administrator