

CIVIL ADMINISTRATIVE ORDER 2021-10
Effective Immediately
(Evictions addressed in a separate Order)

All District Court courtrooms have been open throughout the COVID pandemic and will continue to be open on a daily basis. As we continue to deal with the aftermath and the ongoing spike in the Delta variant, the District Court will continue to control the scheduling of all matters based upon backlogs and safety protocols.

Civil hearings shall be scheduled in accordance with this Order. Remote hearings, when feasible, are encouraged and may be scheduled with permission of the Hearing Judge.

Protocol for Civil Matters –

Mediation –

The Court encourages parties to utilize mediation services. Mediation provides the opportunity to define and understand different perspectives, explore possible solutions, and work toward reaching a mutually satisfactory agreement without a Court hearing. 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 (CCMRI) provides mediators in the courtroom and also may also be reached at (401) 273-9999.

Defaults –

- When requesting 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. Please note that 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 in person at the Clerk's Office.
- If a defendant's answer has not been received or filed in a timely manner, the matter shall be defaulted upon the filing of the required default documents. Small Claims matters shall be defaulted automatically when no timely answer is filed.
- There will be a new limit of fifty (50) Applications for Entry of Default Judgments per law firm, per day, per division. This number will be reviewed at a future date.
- Motions for Entry of Default Judgments may be filed. 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, it must state the basis, therefore. The matter will be assigned for hearing and a hearing notice will be sent to the parties by the Clerk's Office.

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

When filing a Motion for Summary Judgment or a Motion for Judgment on the Pleadings, plaintiff must include a date by which the defendant must file an 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, it must state the basis, therefore. The matter will be assigned for hearing and a hearing notice will be sent to the parties by the Clerk's Office.

Filing of Other Motions –

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, certain motions, including Motions to Extend Time, Motions for Alternative Service, Motions to Compel Discovery and Motions for Conditional Default/Dismissal for Failure to Respond to Discovery may be decided on the filings, by Judicial Review. Some matters will allow Proof of Claim by affidavit, others will require oral testimony. Please check the specific protocol for detail. 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 or attempt to work out a payment of agreement. **The notice must include a certification of mailing.**

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.

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).

Rule of Court Motions – Excluding Notice of Attachments Not for Wages –

- Rule of Court motions shall be granted only if the defendant fails to timely file their objection to the motion.
- If an objection is filed timely, a request for a hearing on the motion must be filed with the Clerk's Office. The Clerk's Office will continue to mail hearing notices to all parties.
- Attorneys must continue to use the revised Motion to Attach Wages form DC-48 (revised June 2020) RI District Court Rule of Civil Procedure.
- An Address Verification form will also be filed, 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.

Motions to Assign for Trial –

- Shall not be granted by Rule of Court.
- Upon the motion being granted, the matter will be assigned for Trial by the Court with a notice of hearing date.

Small Claims Trials –

- Matters involving non-corporate self-represented plaintiffs will be assigned for trial by the Court based upon safety protocols and calendar capacity.

Civil Trials –

Civil trials that have been previously scheduled but not heard due to

the COVID-19 pandemic shall be scheduled in accordance with this order.

- Trials that have been previously scheduled will be given priority in being scheduled. Attorney's must contact the Clerk's Office to schedule.
- New trials shall be scheduled after a Motion to Assign for Trial has been granted.
- All trials shall require the approval of the judge sitting on the civil calendar and will be based upon safety protocols and availability.

Attorneys' Fees –

- Reasonable attorney's fees may be awarded on defaulted cases, effective January 15, 2022.

Motions to Adjudge in Contempt and Show Cause Citations–

- May be filed effective January 15, 2022.
- The motion will be scheduled for a hearing based upon courtroom capacity, no later than six (6) weeks from the motion being accepted by the Court.
- The Clerk's Office will generate a notice of hearing that will be mailed to the defendant.

Notice of Attachments – Not for Wages –

Notice of Attachments – Not for Wages may now be filed with the court according to the outlined procedure.

- Upon acceptance of the motion the Clerk's Office will provide the objection and hearing date on the motion.
- The hearing date will be scheduled nine (9) days from the day of being accepted, with the objection date being scheduled two (2) days prior. The Motion will be assigned to the next available civil day within the division the motion is filed in.
- If the two (2) days before the hearing date falls on a Saturday, the objection date will be assigned to the Thursday before. If the two (2) days before the

hearing falls on a Sunday or Monday Holiday, the objection date will be assigned to the Friday before.

- If no objection is filed timely, the motion will be granted by Rule of Court and the order will be generated by the Clerk's Office.

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.
- If the defendant fails to contact the Attorney's Office, the Attorney must request a hearing for a Citation in Supplementary Proceedings to be scheduled. The Clerk's Office will mail a notice of hearing.
- Attorneys may file a request for a hearing on a Citation in Supplementary Proceedings which has been previously issued by the Court and where service has been made. The Court will send out a notice of hearing to the defendant with specific language stating a failure to appear may result in a Civil Body Attachment being issued for the defendant.
- The Attorney must provide an address verification form, **only** if the attorney has determined that the defendant's address has changed from the original case filing date. The form is located on the Judiciary's website www.courts.ri.gov.

Body Attachments –

- The request for issuance of Body Attachments may be granted effective February 1, 2022.

Remote Hearings –

Remote hearings may be scheduled with permission of the judge. Remote hearings will require both parties to be in agreement. If either party objects to a remote hearing, the matter will be scheduled for an in-court hearing. All remote hearings

will be by WebEx Video Conferencing and will be recorded by the Courts digital recording system.

Entered as an Order of this Court on this 13th day of October 2021.

Enter:

By Order:

/s/

/s/

Jeanne E. LaFazia
Chief Judge

Stephen Waluk
Administrator