

Circuit Court of Alexandria, Virginia

Judges
LISA BONDAREFF KEMLER
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703.746.4123
www.alexandriava.gov/CircuitCourt

May 13, 2024

Motions Day Guidance www.alexandriava.gov/CircuitCourt

**IMPORTANT: Call Judges' Chambers (703.746.4123)
if you have any questions regarding Motions Day procedures**

A. **DOCKET FOR MOTIONS DAY – posted 2 days prior to the Motions Day**

1. **Link to Motions Day Docket.**

General Information regarding Motions Day Docket

2. **Location of Link.** www.alexandriava.gov/CircuitCourt (scroll to “Motions Day-Docket”).
3. **Posted 2 days prior.** The link to the Motions Day docket is posted two (2) days prior to the Motions Day hearing. The docket includes all of the cases that are going forward on the 10:00 a.m. and the 2:00 p.m. Motions Day docket, divided by cases assigned to each judge, with a separate page(s) for each judge.
4. **Each judge has a separate page of the Motions Day docket.** The 10:00 a.m. cases will be listed first by docket number, and the 2:00 p.m. cases (if any) will be listed at the end of the docket.
5. **Case not on the docket?** The moving party is encouraged to review the posted docket to confirm their case has been scheduled. If you have any questions, call Judges' Chambers (703.746.4123).

B. **MEETING LINKS AND TELEPHONE CALL-IN NUMBERS – posted 2 days prior to the Motions Day**

1. **Meeting links and telephone call-in numbers**

General Information regarding Motions Day Meeting Links and Telephone Call-In Numbers

2. **Location of Link.** www.alexandriava.gov/CircuitCourt (scroll to “Motions Day – Meeting Links and Telephone Call-in Numbers” section).
3. **Posted 2 days prior.** The meeting links and telephone call-in numbers are posted two (2) days prior to the Motions Day hearing.
4. **Emailed 2 days prior.** The meeting links are emailed to counsel and parties whose email addresses were included on the Remote Motions Day Praecipe.

5. **Separate meeting link and telephone call-in number for each judge.** Each judge has a separate meeting link and telephone call-in number for their 10:00 a.m. docket, and another meeting link and telephone call-in number for 2:00 p.m. docket.
6. **Download MS Teams software.** To participate remotely (and not by telephone call-in number), Microsoft Teams must be downloaded to your device prior to the Motions Day hearing if not already done. MS Teams is a free download available at www.microsoft.com. MS Teams is the only platform used for remote Motions Day hearings.
7. **Video conference instructions.** Video conference instructions are included at the end of this document and should be reviewed prior to the Motions Day hearing. The video conference instructions are also included with the emails that are sent by the Court.

C. **ATTENDANCE REMOTELY BY USING MS TEAMS FROM YOUR COMPUTER (with audio and video)**

1. Download Microsoft Teams to your device (if necessary).
2. 15 minutes prior to the start time of the hearing, click on the meeting link for the judge's docket in which you wish to participate or observe.
3. Mute your computer's microphone until your case is called.

Muting instructions – computer's microphone

Mute your microphone until your case is called.

- (1) To mute your computer's microphone: press **Ctrl+Shift+M**
- (2) To unmute your computer's microphone: press **Ctrl+Shift+M** again.

D. **ATTENDANCE BY TELEPHONE (audio only; without video)**

1. 15 minutes prior to the start time of the hearing, dial the telephone number and enter the conference ID number.
2. Mute your telephone until your case is called.

Muting instructions – telephone

Mute your telephone until your case is called.

- (1) To mute your telephone: press ***6**
- (2) To unmute your telephone: press ***6** again.

E. **FILING DEADLINES** (New deadlines are effective with the 6/26/24 Motions Day and thereafter)

1. **Filing deadlines link**
2. **Location of link to document.** The Court has prepared a list of specific filing deadlines (praecipes for initial motions, additional motions, oppositions/responses, etc.) for the next several Motions Day. The document is posted to the Court's website at www.alexandriava.gov/CircuitCourt (scroll to "Motions Day – Filing Deadlines" section).
3. **Filing deadlines are at 4:00 p.m. unless otherwise noted.** If a deadline falls on the holiday, the deadline will be the next business day. Call Judges' Chambers (703.746.4123) if you have a question regarding a Motions Day filing deadline.

F. **GENERAL MOTIONS DAY INFORMATION**

1. **2nd and 4th Wednesdays of the month.** Motions Day hearings are held the 2nd and 4th Wednesdays of the month, except in May, when the schedule may change due to the Judicial Conference. Refer to the Court's calendar that is posted to this website and the "Filing Deadlines" section for Motions Day dates.
2. **Remote Motions Day Hearings only.**
 - a. Alexandria Circuit Court's Motions Day hearings will continue to be held remotely until further notice unless an exception is permitted by the Court.
 - b. There are no in-person hearings on Motions Day.
 - c. Docket. Refer to Section A.
 - d. Meeting Links and Telephone call-in numbers. Refer to Section B.
3. **Filing Guidance: Mandatory Chambers' Copy to 4th floor drop box.** To ensure the judges have sufficient time to review Motions Day matters, mandatory Chambers' copies of all pleadings, notices, praecipes and proposed orders relating to Motions Day are required to be delivered to the 4th floor drop box (emailed copies are not acceptable).
4. **Motions to Compel** require (1) a good faith certification; and (2) a chart of specific deficiencies (if the motion to compel is due to deficient answers or responses and not just that the opposing party failed to respond to discovery at all).
5. **Praecipe.** The Court strongly encourages use of the Remote Motions Day Praecipe which includes the MANDATORY remote hearing language and space for the moving party to include the required email addresses of the moving party, the non-moving party and all interested parties. The **Remote Motions Day Praecipe** is an attachment to this document and is also posted to the website (scroll to the "Forms" section).
6. **Questions?** Call Judges' Chambers (703.746.4123) if you have any questions. Chambers' telephone hours are 8:30 a.m. to 1:00 p.m., 2:00 p.m. to 4:00 p.m. (Chambers is closed for lunch from 1:00 p.m. to 2:00 p.m.)

G. **MOTIONS DAY GUIDANCE**

1. **INITIAL MOTION AND PRAECIPE** is the first motion that is praeciped for a specific Motions Day.

Filing deadline for initial motion and praecipe. The filing deadline is on the **Friday two and one-half (2.5) weeks prior to the Motions Day.** Late-filed initial motions and praecipis will not be considered.

- a. **Praecipe.** The Court strongly encourages use of the Remote Motions Day Praecipe which includes the MANDATORY remote hearing language and space for the moving party to include the required email addresses of the moving party, the non-moving party and all interested parties. The Remote Motions Day Praecipe is an attachment to this document and is also posted to the website (scroll to the “Forms” section).
 - b. **Filing instructions.** Prior to the deadline
 - 1) File the motion, praecipe and proposed order in the Clerk’s office (Room 307);
 - 2) Provide a copy of the above documents to opposing counsel (to be received prior to the filing deadline); and
 - 3) Deliver a MANDATORY Chambers’ copy of the above documents to the 4th floor drop box on the same date that the documents are filed (Judges’ Chambers does not accept emailed documents).
2. **ADDITIONAL MOTIONS AND PRAECIPES** are those motions filed after the initial motion and praecipe have been filed.

Filing deadline for additional motion and praecipe **(New deadline effective with the 6/26/2024 Motions Day and thereafter.** The filing deadline is on the **Friday one and one-half (1.5) weeks prior to the Motions Day.** Late-filed initial motions and praecipis will not be considered.

- a. **Filing instructions.** Prior to the deadline
 - 1) File the motion, praecipe and proposed order in the Clerk’s office (Room 307);
 - 2) Provide a copy of the above documents to opposing counsel (to be received prior to the filing deadline); and
 - 3) Deliver a MANDATORY Chambers’ copy of the above documents to the 4th floor drop box on the same date that the documents are filed (Judges’ Chambers does not accept emailed documents).

3. **AMEND (MOTIONS FOR LEAVE TO AMEND).**

- a. **Leave to Amend.** Counsel or pro se litigants seeking leave to amend any pleading shall follow the filing instructions listed below. In opposing such a motion, counsel shall bear in mind that Virginia law requires such amendment to be liberally granted in the interest of justice.
- b. **Filing instructions.** Prior to the deadline
 - 1) Filing deadline (same as above for initial motion or additional motions).
 - 2) File the motion to amend, proposed amended pleading, order granting leave to amend and Motions Day praecipe with the Clerk's office (Room 307);
 - 3) Provide a copy of the above documents to opposing counsel (to be received prior to the filing deadline); and
 - 4) Deliver a MANDATORY Chambers' copy of the above documents to the 4th floor drop box on the same date that the documents are filed (Judges' Chambers does not accept emailed documents).

4. **AUTHORITIES FROM FOREIGN JURISDICTIONS** and Circuit Court opinions shall be attached to any initial or additional motion, response or opposition when filed.

5. **COMPEL – MOTIONS TO COMPEL.**

- a. **Good Faith Certification.** A good faith certification shall be included in the body of the motion.
 - 1) **Failure to include** the mandatory good faith certification in the body of the motion will result in the matter being removed from the docket. Refer to "Court's Removal of Motion to Compel" in this section.
 - 2) **Good Faith Certification Language** (mandatory on all motions to compel) is as follows:

"The movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without Court action, pursuant to Rules 4:12(a)(2), 4:12(d), or 4:15(b)."
- b. **Chart of Specific Deficiencies.** **NEW REQUIREMENT effective with the June 26, 2024 Motions Day and thereafter.**
 - 1) **If the motion to compel is due to deficient answers or responses** and not just that the opposing party failed to respond to discovery at all, the moving party shall provide a MANDATORY chart of specific deficient answers/responses in the motion to compel to assist the Court with efficient review of the motion to compel.
 - 2) **Failure to include** the chart of specific deficiencies may result in the matter being removed from the docket.

- c. **Moving Party’s Removal of Motion to Compel.** The moving party shall follow the instructions listed below to remove a Motion to Compel from the Motions Day docket.

Deadline to call Judges’ Chambers (703.746.4123) and file the removal order is **4:00 p.m. on the Tuesday prior to Motions Day.**

Removal procedure by moving party.

- 1) **Call a Judicial Law Clerk** (703.746.4123). The moving party shall call a Judicial Law Clerk prior to the deadline to advise their motion is being removed from the docket.
 - 2) **Agreed order.** If a motion to compel is removed from the docket, an agreed order is required to be filed with the Clerk’s office (Room 307).
 - 3) **Filing instructions.** Prior to the deadline
 - a) File the original with the Clerk’s Office (Room 307);
 - b) Provide a copy to opposing counsel; and
 - c) Deliver a MANDATORY Chambers’ copy to the 4th floor drop box prior to the deadline (Judges’ Chambers does not accept emailed documents).
- d. **Court’s Removal of Motion to Compel.** The Court may remove a Motion to Compel from the Motions Day docket if any of the following filing instructions were not followed, and the moving party will be contacted by a Judicial Law Clerk.
- 1) Mandatory remote hearing language was not included on the notice/praecipe;
 - 2) The motion, praecipe or notice was not timely filed;
 - 3) The MANDATORY Chambers’ copy of the motion to compel and praecipe were not delivered to the 4th floor drop box (Judges’ Chambers does not accept emailed documents);
 - 4) The MANDATORY good faith certification was not included in the body of the motion to compel; or
 - 5) The MANDATORY chart of specific deficiencies (if the motion to compel is based on deficient answers or responses) was not included in the motion to compel.

6. **CONTINUATION OF A MOTION – BY A JUDGE DURING A MOTIONS DAY HEARING.** A judge may remove a matter from the docket during the Motions Day hearing and instruct the moving party to re-praecipe the motion for a future Motions Day hearing.
- a. **During the motions day hearing.** The judge gives verbal instruction to the moving party that the motion is being continued.
 - b. **The moving party** files a new praecipe to docket the motion for a new Motions Day.
 - c. **Filing instructions.** Prior to the deadline, the moving party shall
 - 1) File a praecipe for the new hearing date (stating the name of the motion and the date that the motion was filed) in the Clerk’s office (Room 307);
 - 2) Provide a copy of the above document to opposing counsel (to be received prior to the filing deadline); and
 - 3) Deliver a MANDATORY Chambers’ copy of the above document to the 4th floor drop box on the same date that the document is filed (Judges’ Chambers does not accept emailed documents).
7. **CONTINUATION OF A MOTION – BY THE MOVING PARTY PRIOR TO THE HEARING.** The moving party may remove a motion from the Motions Day docket by following the instructions below prior to the deadline. Only the moving party may remove their own motion from the docket.

Removal Deadline for moving party to remove a motion and continue to another Motions Day. 4:00 p.m. on the Tuesday prior to the Motions Day.

- a. **Removal procedure** Prior to the deadline
 - 1) **Call Judges’ Chambers (703.746.4123).** The moving party shall call a Judicial Law Clerk prior to the deadline to advise the motion is being removed from the scheduled motions day hearing;
 - 2) **Notify opposing counsel or pro se litigant** that the motion is being removed; and
 - 3) **Removal praecipe to be filed (either before or after the deadline).** The moving party shall
 - a) File a removal praecipe (stating the name of the motion that is being removed from the specific motions day) with the Clerk’s office (Room 307); and
 - b) Provide a copy of the removal praecipe to opposing counsel; and
 - c) Deliver a MANDATORY Chambers’ copy of the above document to the 4th floor drop box on the same date that the document is filed (Judges’ Chambers does not accept emailed documents).

- b. **New praecipe for the new motions day.** Prior to the filing deadline (refer to “Filing Deadline” section), the moving party shall
- 1) File a praecipe for the new hearing date (stating the name of the motion and the date that the motion was filed) in the Clerk’s office (Room 307);
 - 2) Provide a copy of the above document to opposing counsel (to be received prior to the filing deadline); and
 - 3) Deliver a MANDATORY Chambers’ copy of the above document to the 4th floor drop box on the same date that the document is filed (Judges’ Chambers does not accept emailed documents).
8. **DISCOVERY DISPUTES** (including, but not limited to, motions to compel). Counsel shall confer and attempt to settle such disputes in accordance with the Rules of Court. Refer to “Compel (Motions to Compel)” guidance in paragraph 5 for additional information.
9. **EMAIL ADDRESSES ON REMOTE MOTIONS DAY PRAECIPE.**
- a. **Email addresses available and verifiable.** The moving party shall include email addresses on the Remote Motions Day Praecipe or Notice for:
- 1) the moving party (or counsel);
 - 2) the non-moving party (or counsel); and
 - 3) all interested parties.
- b. **Email address unknown.** If a non-moving party does not have an email address,
- 1) **Confirm telephone access.** The moving party or counsel shall confirm that the non-moving party has telephone access for the Motions Day hearing. If the non-moving party does not have telephone access, the moving party shall contact Judges’ Chambers (703.746.4123) to docket the motion for a non-Motions Day.
 - 2) **Provide meeting link to non-moving party.** It shall be the moving party’s responsibility to forward the meeting link containing the call-in telephone number to the non-moving party.
 - 3) The meeting links are issued and posted to the website at www.alexandriava.gov/circuitcourt two (2) business days prior to the Motions Day).
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|-----------------|--|
| Section A above | Posted docket for a specific Motions Day |
| Section B above | Meeting links and telephone call-in number for remote Motions Day hearings |

10. **EVIDENCE/EXHIBITS.**

Filing Deadline for evidence and exhibits (New deadline effective with the 6/26/2024 Motions Day and thereafter. The filing deadline is on the **Friday one-half (0.5) week** prior to the Motions Day. Late-filed evidence or exhibits may not be considered.

- a. Any evidence of exhibits anticipated to be relied on during the Motions Day hearings shall be filed prior to the deadline.
- b. The list of evidence or exhibits includes but is not limited to the following documents:
 - 1) Affidavits and supplemental affidavits
 - 2) Documents
 - 3) Exhibits
 - 4) Transcripts
 - 5) Witness lists
- c. Filing instructions. Prior to the deadline
 - 1) Deliver the original to Judges' Chambers 4th floor drop box prior to the filing deadline (Judges' Chambers does not accept emailed documents); and
 - 2) Provide a copy to opposing counsel (to be received prior to the filing deadline).
 - 3) Plaintiff's exhibits shall be labeled P-1, P-2, etc., and Defendant's exhibits shall be labeled D-1, D-2, etc.
 - 4) If admitted by the Court during the Motions Day hearing, the evidence and exhibits will be retained by the Clerk of Court.

11. **FILING DEADLINES.** **New filing deadlines are effective with the 6/26/2024 Motions Day and thereafter.** Contact Judges' Chambers (703.746.4123) if you have any questions.

12. **GAL REPORT.**

Filing Deadline for the GAL report (New deadline effective with the 6/26/2024 Motions Day and thereafter. The filing deadline is on the **Friday one-half (0.5) week** prior to the Motions Day. Late-filed GAL reports may not be considered.

For non-Motions Day hearings, the GAL report must be filed at least three (3) business days prior to the trial date.

Filing instructions. Prior to the deadline

- a. File the GAL report in the Clerk's office (Room 307);
- b. Provide a copy to opposing counsel (to be received prior to the filing deadline); and
- c. Deliver a MANDATORY Chambers' copy to the 4th floor drop box (Judges' Chambers does not accept emailed documents).

13. **GARNISHMENTS.**

- a. **If an email address and/or telephone number are available and verifiable.** If the judgment debtor's email address and/or telephone number is available, verifiable and is included on the remote Motions Day praecipe, the garnishment may be scheduled for a remote Motions Day hearing at 10:00 a.m.
 - 1) If the remote Motions Day praecipe does not include a valid email address and/or telephone number for the judgment debtor, the garnishment will be removed from the Motion's Day docket.
- b. **If the email address and/or telephone number are unknown.** If the judgment debtor's email address and/or telephone number are unknown, the garnishment return shall be scheduled for an in-person hearing on the 9:00 a.m. uncontested docket.
 - 1) Refer to "Uncontested 9:00 a.m. docket" section of this website for specific dates and scheduling deadlines, and then call Judges' Chambers (703.746.4123) to schedule the hearing.

14. **INTERPRETER SERVICES.**

- a. If an interpreter is needed for Motions Day, Interpreter Services shall be contacted
 - 1) When the initial motion and praecipe are filed (two and one-half (2.5) weeks prior to the Motions Day); or
 - 2) When the additional motion and praecipe are filed (one and one-half week prior to the Motions Day).
- b. Refer to "Interpreter Services" section of the Civil Local Procedures on this website for instructions on how to contact the Court's Interpreter Services.

15. **MEETING INVITATION AND MEETING LINKS**

Emailed and posted two (2) days prior to the Motions Day.

Section A above

Posted docket for a specific Motions Day

Section B above

Meeting links and telephone call-in number for remote Motions Day hearings

16. **MEMORANDA/BRIEFS.** If memoranda or briefs are filed (including responses and oppositions), all notice and filing deadlines shall comply with Rule 4:15 of the Rules of the Supreme Court of Virginia.

Filing Deadline for memoranda and briefs (New deadline effective with the 6/26/2024 Motions Day and thereafter. The filing deadline is on the **Wednesday one (1) week prior to the Motions Day.** Late-filed memoranda and briefs may not be considered by the Court.

Filing instructions. Prior to the deadline

- a. File the original document in the Clerk's office (Room 307);
- b. Provide a copy of the document to opposing counsel (to be received prior to the filing deadline); and
- c. Deliver a MANDATORY Chambers' copy to the 4th floor drop box on the same date that the document is filed (Judges' Chambers does not accept emailed documents).

17. MOTIONS – PREPARATION.

- a. Prepare a typed motion stating the facts of the case and what action you want the Court to take.
- b. Sign and date the motion (electronic signatures are not accepted). Include your name, address, telephone number and email address at the bottom of the motion.

18. MOTIONS – FILING INSTRUCTIONS. Prior to the filing deadline

- a. File the original motion with the Clerk's Office (Room 307); and
- b. Provide a copy of the motion to opposing counsel or pro se litigant (the moving party shall take steps to ensure that the non-moving party or counsel actually receive the motion and praecipe no later than the deadline date for filing the praecipe/notice); and
- c. Deliver a MANDATORY Chambers' copy of the motion to the 4th floor drop box (Judges' Chambers does not accept emailed documents).

19. OPPOSITIONS/RESPONSES. The non-moving party's opposition or response to the initial motion or additional motion.

Filing Deadline for oppositions/response to initial motion or additional motion

(New deadline effective with the 6/26/2024 Motions Day and thereafter. The filing deadline is on the **Wednesday one (1) week prior to the Motions Day**. Late-filed memoranda and briefs may not be considered by the Court.

Responses (by the moving party) to the non-moving party's opposition/response will not be considered by the Court.

Filing instructions. Prior to the deadline

- a. File the original document in the Clerk's office (Room 307);
- b. Provide a copy of the document to opposing counsel (to be received prior to the filing deadline); and
- c. Deliver a MANDATORY Chambers' copy of the document to the 4th floor drop box on the same date that the document is filed (Judges' Chambers does not accept emailed documents).

20. **ORDERS – PROPOSED ORDERS PRIOR TO MOTIONS DAY.**

Filing Deadline for proposed orders prior to Motions Day. (New deadline effective with the 6/26/2024 Motions Day and thereafter.

Preferred filing deadline. The proposed order shall be filed

- a. When the initial motion is filed (on the Friday 2.5 weeks prior to the Motions Day); or
- b. When the additional motion is filed (on the Friday 1.5 weeks prior to the Motions Day).

Final deadline. The proposed order shall be filed

- c. On the Wednesday one (1) week prior to the Motions Day.

Filing instructions (for orders filed prior to the Motions Day hearing). Prior to the deadline

- a. File the original proposed order in the Clerk’s office (Room 307);
- b. Provide a copy to opposing counsel (to be received prior to the filing deadline); and
- c. Deliver a MANDATORY Chambers’ copy to the 4th floor drop box on the same date that the document is filed (Judges’ Chambers does not accept emailed documents).

21. **ORDERS – PROPOSED ORDERS AFTER MOTIONS DAY.** Orders submitted after the Motions Day hearing shall be filed with the Clerk’s office within a reasonable amount of time, or when ordered by the Judge at the Motions Day hearing.

Filing instructions (for orders filed after the Motions Day hearing

- a. File the original proposed order in the Clerk’s office (Room 307). Judges’ Chambers does not need a copy of the proposed order.

22. **PRAECIPE FOR MOTIONS DAY.**

- a. **What is a praecipe?** The praecipe is filed by the moving party (the person asking for Court action to be taken) to schedule a motion on a specific Motions Day at a specific time. The praecipe is separate from the motion (which states the facts of the case and what action the moving party wants the Court to take).
- b. **Remote Motions Day Praecipe.** The Court strongly encourages use of the Remote Motions Day Praecipe which includes the MANDATORY remote hearing language and space for the moving party to include the required email addresses of the moving party, the non-moving party and all interested parties. The Remote Motions Day Praecipe is an attachment to this document and is also posted to the website (scroll to the “Forms” section).

- c. **Required Information.** The remote Motions Day praecipe must include the following information, or the the matter will be removed from the Motions Day docket and the moving party will be contacted by a Judicial Law Clerk.
- 1) **Mandatory remote hearing language (required)**
 - a) “The matter will be heard remotely via Microsoft Teams”; and
 - b) “Opposing counsel/party will receive an email from the Court two (2) business days prior to the Motions Day hearing. The Court’s email will include a link to the Microsoft Teams meeting and a telephone number to be used by those participants who do not have internet access.”
 - 2) **Title of the motion (required)**
 - a) What is the title of the motion to be scheduled?
 - b) If the motion was previously filed (prior to filing this praecipe), the praecipe shall state (a) the title of the motion; and (b) the date that the motion was filed in the Clerk’s office.
 - 3) **Email addresses (required)**
 - a) The moving party shall include email addresses on the Remote Motions Day Praecipe or Notice for:
 1. The moving party (or counsel);
 2. The non-moving party (or counsel); and
 3. All interested parties.
 - b) If a non-moving party does not have an email address,
 1. **Confirm telephone access for non-moving party.** The moving party or counsel shall confirm that the non-moving party has telephone access for the Motions Day hearing (if not, the moving party shall contact Judges’ Chambers (703.746.4123) to docket the motion for a non-Motions Day); **and**
 2. **Provide the meeting link to the non-moving party prior to the Motions Day hearing.** It shall be the moving party’s responsibility to forward the meeting link containing the call-in telephone number to the non-moving party (the meeting links are issued two (2) business days prior to the Motions Day).
- d. **Filing instructions.** Prior to the filing deadline,
 - 1) File the original document in the Clerk’s office (Room 307);
 - 2) Provide a copy of the document to opposing counsel (to be received prior to the filing deadline); and
 - 3) Deliver a MANDATORY Chambers’ copy of the document to the 4th floor drop box on the same date that the document is filed (Judges’ Chambers does not accept emailed documents).
- e. **Time limitations.** Refer to “Time limitations” section for additional information.

23. **PREVIOUSLY FILED MOTIONS.** Previously filed motions may be docketed for a specific Motions Day by filing a praecipe that includes the title of the motion and the date that the motion was filed in the Clerk's office.
24. **REMOVAL OF A MOTION – BY THE MOVING PARTY.** The moving party may remove a motion from the Motions Day docket by following the instructions below prior to the deadline. Only the moving party may remove their own motion from the docket.

Removal Deadline for moving party to remove a motion. 4:00 p.m. on the Tuesday prior to the Motions Day.

Removal procedure Prior to the deadline

- a. Call a Judicial Law Clerk prior to the deadline. The moving party shall call a Judicial Law Clerk (703.746.4123) prior to the deadline to advise the motion is being removed from the scheduled motions day hearing;
- b. Notify opposing counsel or pro se litigant that the motion is being removed; and
- c. Removal praecipe (may be filed either before or after the deadline). The moving party shall
- 1) File a removal praecipe (stating the name of the motion that is being removed from the specific motions day) with the Clerk's office (Room 307); and
 - 2) Provide a copy to opposing counsel or pro se litigant; and
 - 3) Deliver a MANDATORY Chambers' copy to the 4th floor drop box (Judges' Chambers does not accept emailed documents).
25. **REMOVAL OF A MOTION – BY THE COURT.** The Court may remove any motion from the Motions Day docket and the moving party will be contacted if
- a. The mandatory remote hearing language was not included on the praecipe;
 - b. The motion or praecipe was not filed prior to the deadline; or
 - c. The MANDATORY Chambers' copy was not delivered to the 4th floor drop box on the same date that the document was filed (Judges' Chambers does not accept emailed documents).
 - d. ****Motions to Compel****
 - 1) The MANDATORY good faith certification was not included in the body of the motion to compel; or
 - 2) The MANDATORY chart of specific deficiencies (if the motion to compel is based on deficient answers or responses) was not included in the motion to compel.

26. **RESPONSES TO INITIAL MOTIONS OR ADDITIONAL MOTIONS.** Refer to “Oppositions/Responses” section above for the non-moving party’s opposition or response to the initial motion or additional motion. The moving party’s response to the non-moving party’s opposition or response will not be considered by the Court.
27. **SET DATE MATTERS (MOTION TO SET A TRIAL DATE).** If counsel or a pro se litigant wishes to schedule a set-date motion for a Motions Day, the following instructions shall be followed.

Counsel may also call Judges’ Chambers (703.746.4123) together on the same telephone call to set a trial date, or schedule the case for a Term Day docket (refer to the “Term Day” section of the website at www.alexandriava.gov/CircuitCourt).

- a. **File a Remote Motions Day Praecept** scheduling a set-date motion for a specific motions day. The Remote Motions Day Praecept is an attachment to this document and is also posted to the website (scroll to the “Forms” section).
- b. **Motion not required for a set-date matter.** Counsel does not need to prepare a motion for a set-date matter (only the praecipe is required).
- c. **Filing instructions.** Prior to the deadline
- 1) File the praecipe in the Clerk’s office (Room 307);
 - 2) Provide a copy of the praecipe to opposing counsel (to be received prior to the filing deadline); and
 - 3) Deliver a MANDATORY Chambers’ copy to the 4th floor drop box (Judges’ Chambers does not accept emailed documents).
- d. **At the Motions Day hearing,** the case will be called by the judge.
- 1) **If the non-moving party APPEARS** at the remote Motions Day hearing,
 - a) **Judge’s instruction.** The judge will instruct counsel and pro se litigants (if any) to call the court administrators (703.746.4123) to set a trial date.
 - b) **Call Judges’ Chambers (703.746.4123).** Immediately after exiting the Motions Day hearing, all counsel or pro se parties shall call Judges’ Chambers (703.746.4123) together on the same telephone conference call to set the trial date.
 - c) **File Uniform Pretrial Scheduling Order.** After setting a trial date, counsel and pro se litigants shall complete, sign and file a Uniform Pretrial Scheduling Order with the Clerk’s office (Room 307) within two (2) weeks. The Uniform Pretrial Scheduling Order is available at www.alexandriava.gov/CircuitCourt (scroll to the “Forms” section).
 - 2) **If the non-moving party DOES NOT APPEAR** at the remote Motions Day hearing,
 - a) The moving party will be allowed to set a trial date (follow the instructions above).

28. **SHOW CAUSE ORDERS RETURNABLE TO A MOTIONS DAY.**

Filing deadline to request a show cause hearing on a Motions Day docket. The filing deadline is on the **Friday two and one-half (2.5) weeks prior to the Motions Day**. Show cause orders cannot be scheduled as an “additional” motion.

- a. **Steps for a show cause hearing on a Motions Day docket.**
 - 1) **File Verified Petition.**
 - a) File a verified petition in accordance with Section 8.01-274.1 of the Virginia Code with the Clerk’s office (Room 307); and
 - b) Deliver a MANDATORY Chambers’ copy to the 4th floor drop box (Judges’ Chambers does not accept emailed documents).
 - 2) **File a Show cause order.** The proposed show cause order shall be returnable to a specific motions day at 10:00 a.m.
 - a) File the proposed order with the Clerk’s office (Room 307); and
 - b) Deliver a MANDATORY Chambers’ copy to the 4th floor drop box (Judges’ Chambers does not accept emailed documents).
 - 3) **Remote motions day praecipe.** Refer to “Praecipe for Motions Day” section.
 - a) File the praecipe with the Clerk’s office (Room 307); and
 - b) Deliver a MANDATORY Chambers’ copy to the 4th floor drop box on the same date that the document is filed (Judges’ Chambers does not accept emailed documents).
- b. **The Court will enter the show cause order with a return date to a specific Motions Day.**
- c. **Service on the opposing party.** After the show cause order is entered by a judge
 - 1) **Serve show cause order.** Counsel shall serve the show cause order with the accompanying motion or verified petition on the person alleged to have violated the court order.
 - 2) **Proof of Service** of the show cause order must be filed with the Court.
 - a) File the original proof of service with the Clerk’s office (Room 307); and
 - b) Deliver a MANDATORY Chambers’ copy to the 4th floor drop box on the same date that the document is filed (Judges’ Chambers does not accept emailed documents).

d. **File additional evidence (if any)**

Filing deadline for evidence to be relied on at a show cause hearing on a Motions Day docket. The filing deadline is on the **Wednesday one (1) week prior to the Motions Day**. Late-filed evidence may not be considered.

- 1) **Evidence**. Testimonial or documentary evidence includes but is not limited to the following documents:
 - a) Affidavits and supplemental affidavits
 - b) Documents
 - c) Exhibits
 - d) Transcripts
 - e) Witness lists
 - 2) **Filing instructions**. Plaintiff's exhibits shall be labeled P-1, P-2, etc., and Defendant's exhibits shall be labeled D-1, D-2, etc. Prior to the deadline
 - a) File the evidence in Judges' Chambers (not the Clerk's office). Deliver the original to Judges' Chambers 4th floor drop box (Judges' Chambers does not accept emailed documents); and
 - b) Provide a copy to opposing counsel (to be received prior to the filing deadline).
 - c) If admitted by the Court during the Motions Day hearing, the evidence and exhibits will be retained by the Clerk of Court.
- e. **(Show cause goes forward)**. At the remote Motions Day hearing, the show cause hearing will go forward if
- 1) All necessary testimonial or documentary evidence and exhibits were timely filed; and
 - 2) The case is **estimated to take 25 minutes or less**; and
 - a) The non-moving party appears (with or without counsel) when the case is called by the judge; or
 - b) The non-moving party does not appear but the moving party can demonstrate that the non-moving party was aware of the remote hearing and had access to the Microsoft Teams meeting link or telephone call-in number.
- f. **(Show cause is continued to a date certain unless a judge agrees otherwise)**. At the remote Motions Day hearing the show cause hearing will be continued to a date-certain (unless a judge agrees otherwise) if
- 1) All necessary testimonial or documentary evidence and exhibits were timely filed; and
 - 2) The case is estimated to **last more than 25 minutes**.
 - 3) If the case is continued to a date-certain,
 - a) The judge will instruct the moving and non-moving parties to immediately call Judges' Chambers to schedule a date-certain for the show cause hearing;

- b) Counsel and pro se litigants call Judges' Chambers (703.746.4123) together on the same telephone conference call to schedule a date-certain for the show cause hearing; and
- c) A notice of hearing is filed by the moving party for the new hearing date.

Filing instructions for the notice of hearing

- 1. File original in the Clerk's Office (Room 307);
- 2. Provide a copy to opposing counsel; and
- 3. Deliver a MANDATORY Chambers' copy to the 4th floor drop box (Judges' Chambers does not accept emailed documents).

29. TIME LIMITATIONS

- a. **10:00 a.m. docket.** Cases lasting **25 minutes or less** for all motions filed.
 - 1) **25 minutes per case** (10 minutes per side for argument; 5 minutes for rebuttal).
 - 2) **Time limitation 25 minutes or less per case** (for all motions filed) on the 10:00 a.m. Motions Day docket
 - a) All motions shall be praeciped for the 10:00 a.m. docket unless a Judges' Chambers' permission has been received to praecipe a matter for the 2:00 p.m. docket (refer to instructions below).
 - b) Judge's permission is not required for the 10:00 a.m. docket.
 - c) All motions praeciped by the filing deadline will be scheduled.
 - d) **If case goes over 25 minutes.** Matters not resolved within 25 minutes will be continued to a future Motions Day, and the moving party shall be responsible for filing a new praecipe for the new hearing.
 - 3) **Scheduling Procedure.** Prior to the deadline
 - a) **Motion filed** by moving party. Refer to "Motions-Preparation" section for instructions. The motion is filed with the Clerk's office (Room 307), delivered to opposing counsel or pro se litigant to be received prior the filing deadline, and a mandatory Chambers' copy is delivered to the 4th floor drop box (Judges' Chambers does not accept emailed documents).
 - b) **Praecipe filed by moving party.** Refer to "Praecipe for Motions Day – Instructions". Refer to "Initial Motion and Praecipe" or "Additional Motion and Praecipe" for filing deadlines. The praecipe is filed with the Clerk's office (Room 307), delivered to opposing counsel or pro se litigant to be received prior the filing deadline, and a mandatory Chambers' copy is delivered to the 4th floor drop box (Judges' Chambers does not accept emailed documents).

- b. **2:00 p.m. docket.** Cases lasting **more than 25 minutes but less than 3 hours** for all motions filed.
- 1) **Time limitation.** **More than 25 minutes but less than three (3) hours** for all motions filed in the same case.
 - 2) **Limited availability:** Each judge is assigned only one 2:00 p.m. case for each Motions Day docket. Counsel must receive Judges' Chambers' permission to schedule for a 2:00 p.m. Motions Day docket prior to filing the praecipe.
 - 3) **Agreement by opposing counsel.** The opposing party must agree for the case to be heard at 2:00 p.m. on a Motions Day and the moving party must call a law clerk to reserve a 2:00 p.m. time slot.
 - 4) **Scheduling Procedure.** Prior to the deadline
 - a) **Moving party confers with opposing counsel.**
 1. Moving party asks opposing counsel's agreement for the
 2. case to be heard at 2:00 p.m.
 3. Moving party asks for opposing counsel's availability at 2:00 p.m. on several upcoming Motions Days (in case the first choice is not available);
 - b) **Moving party calls Judges' Chambers (703.746.4123)** The moving party calls a Judicial Law Clerk to reserve a 2:00 p.m. time slot.
 - c) **Moving party files praecipe for 2:00 p.m.** prior to the filing deadline. The praecipe is required to be filed in the Clerk's office (to instruct the Clerk to docket the case). Refer to "Initial Motion and Praecipe" or "Additional Motion and Praecipe" for filing deadlines. The praecipe is filed with the Clerk's office (Room 307), delivered to opposing counsel or pro se litigant to be received prior the filing deadline, and a mandatory Chambers' copy is delivered to the 4th floor drop box (Judges' Chambers does not accept emailed documents).
- c. **Date certain (for motions anticipated to last 3 hours or more)**
- 1) File all of the motions prior to calling Judges' Chambers for a date-certain for the motions to be heard.
 - 2) Contact Judges' Chambers (703.746.4123) to schedule the motion for a date-certain on a 10:00 a.m. docket.

30. **VIDEO CONFERENCE INSTRUCTIONS FROM THE COURT.**

The Court's video conference instructions are included on the meeting invitation.

- a. **This email is being sent to you** because you have placed a motion on the upcoming Motions Day or are a non-moving party in a case that has been scheduled on an upcoming Motions Day.
 - 1) You may disregard this invitation if you are moving party and have already removed your motion from the docket.
 - 2) The link below for the meeting will also be posted on the Court's website at www.alexandriava.gov/circuitcourt (scroll to "Motions Day: Meeting Links and Telephone Call-In Numbers).
 - 3) The link may be forwarded by you to anyone you would like to attend the remote motions day hearing (parties, court reporters, etc.).
- b. **No response is necessary**
 - 1) Do not respond to this email other than by accepting or declining the meeting invitation.
 - 2) Do not call or email the Court to ask that this invitation be sent again to additional recipients. You can do that yourself by simply forwarding the email.
 - 3) Do not call the Court to ask about who did (or did not) receive a meeting link.
- c. **Questions (other than above)?** Call Judges' Chambers at 703.746.4123.
 - 1) All other questions? Call a Judicial Law Clerk.
- d. **Removal of docketed motions.** Call a Judicial Law Clerk to remove your motion from the deadline. (Deadline: one day prior to the Motions Day at 4:00 p.m.)
- e. **Remote hearings only** (refer to information below for attendance instructions). Do not come to Court unless specifically instructed to do so.
- f. **Attend by Computer Using MS Teams (with audio and video)**
 - 1) Download Microsoft Teams to your device prior to the Motions Day hearing if you have not already done so. Microsoft Teams is a free download available at www.microsoft.com.
 - 2) 15 minutes prior to the start time of the hearing, click on the meeting link for the judge's docket in which you wish to participate or observe.
 - 3) Mute your computer's microphone until your case is called (see instructions below).
 - 4) Make sure you are in a quiet space where you will not be disturbed. during the hearing. Eliminate all ambient noise in the room, even if you think the noise will not be picked-up on your microphone.

- 5) When your case is called the judge
 - a) Alert the judge that you are present. Speak loudly and distinctly.
 - b) Give a time estimate for the amount of time you believe your case requires.
- 6) If you interrupt the court during any case other than your own, you will be muted and possibly removed from the court proceeding.

Muting instructions – computer’s microphone
Mute your microphone until your case is called.

- (1) To mute your computer’s microphone: press **Ctrl+Shift+M**
- (2) To unmute your computer’s microphone: press **Ctrl+Shift+M** again.

- g. To attend by Computer Using MS Teams (with audio and video)
 - 1) 15 minutes prior to the start time of the hearing
 - a) Dial the telephone number
 - b) Enter the conference ID number.
 - 2) Make sure you are in a quiet space where you will not be disturbed. during the hearing. Eliminate all ambient noise in the room, even if you think the noise will not be picked-up on your microphone.
 - 3) Mute your telephone until your case is called (see instructions below).
 - 4) When your case is called the judge
 - a) Alert the judge that you are present. Speak loudly and distinctly.
 - b) Give a time estimate for the amount of time you believe your case requires.
 - 5) If you interrupt the court during any case other than your own, you will be muted and possibly removed from the court proceeding.

Muting instructions – telephone
Mute your telephone until your case is called.

- (1) To mute your telephone: press ***6**
- (2) To unmute your telephone: press ***6** again.

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

(Plaintiff)

v.

Civil Case No. _____

(Defendant)

REMOTE CIVIL MOTIONS DAY PRAECIPE

Please place the above case on the MOTIONS DAY docket for _____, 20__ at 10:00 a.m. The title of the motion(s) is (are) _____

Mandatory Remote Hearing Notices:

- a. **The matter will be heard remotely via Microsoft Teams; and**
- b. **Opposing counsel/party will receive an email from the Court two (2) days prior to the Motions Day hearing. The Court’s email will include a link to the Microsoft Teams meeting and a telephone number to be used by those participants who do not have internet access.”**

My email address is _____.

Email addresses for non-moving pro se party or counsel is _____.

Email addresses for all interested parties are _____.

_____, and _____.

I hereby certify that Notice of the foregoing praecipe has been delivered/mailed to

_____ [name of non-moving pro se party or counsel]

on the _____ day of _____, 20_____.

[Name of Pro se moving party or counsel]

Address: _____

Email: _____

Phone: _____

Motions Days instructions are available at www.alexandriava.gov/CircuitCourt (scroll to Motions Day sections).