

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

WALGREEN CO.)
200 Wilmot Road)
Deerfield, IL 60015)

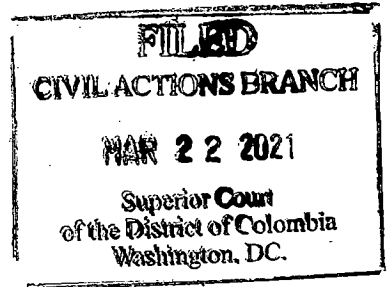
Plaintiff,)

v.)

CROWELL & MORING LLP)
1001 Pennsylvania Ave., NW)
Washington, D.C. 20004)
(202) 624-2500)

Defendant.)

Civil Action No.:



2021 0861

COMPLAINT

1. COMES NOW Plaintiff Walgreen Co. (Walgreens) and files this complaint for replevin arising out of the failure of Defendant Crowell & Moring LLP (Crowell) to provide Walgreens, its former client, with copies of all memos, notes, emails, research, and any other work product or information related to work that Crowell performed on behalf of Walgreens, including billing invoices and timekeeping records related to that work, in violation of District of Columbia Rules of Professional Conduct 1.16(d) and District of Columbia Ethics Opinion 333.

2. Walgreens seeks an order directing Crowell to produce Walgreens' work files, to which it is entitled as a former client of Crowell, and for the other relief set forth below.

THE PARTIES

A. Walgreen Co.

3. Walgreens is one of the largest retail pharmacy chains in the United States and maintains its corporate headquarters in Deerfield, Illinois, with a presence in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.¹

4. Walgreens operates over 9,500 retail pharmacies and interacts with approximately 8 million customers in stores and online each day.

B. Crowell & Moring LLP

5. Crowell is a Limited Liability Partnership (LLP) organized under the laws of the District of Columbia.

6. Crowell is headquartered in the District of Columbia with locations in the United States (Los Angeles, CA; San Francisco, CA; Orange County, CA; New York City, NY; and the District of Columbia), Belgium, Qatar, and the United Kingdom.

7. Crowell employs approximately 550 lawyers globally.

JURISDICTION AND VENUE

8. This Court has subject-matter jurisdiction over this matter pursuant to D.C. Code § 11-921.

9. This Court has personal jurisdiction over Crowell pursuant to D.C. Code § 13-422. Crowell is an LLP organized under the laws of the District of Columbia, is domiciled in the District of Columbia, has its principal place of business in the District of Columbia, and transacts business in the District of Columbia.

¹ <https://news.walgreens.com/fact-sheets/frequently-asked-questions.htm>.

10. Venue is proper in the District of Columbia. Crowell is an LLP organized under the laws of the District of Columbia, is domiciled in the District of Columbia, has its principal place of business in the District of Columbia, and transacts business in the District of Columbia. The relevant events asserted in this Complaint occurred in Crowell's District of Columbia office.

FACTS

A. The Prescription Savings Club.

11. In April 2006, Walgreens piloted its Prescription Savings Club (PSC): a fee-based membership club that Walgreens designed to provide an opportunity for its uninsured and underinsured customers to obtain lower prices for certain prescription drugs.

12. In August 2008, Walgreens launched PSC nationwide.

13. PSC provides eligible individuals who enroll in the program, pay a membership fee, and agree to the programs' terms and conditions with access to reduced prices on various prescription drugs when purchasing those drugs without the use of an insurance card, a third-party discount-program card, or a manufacturer's coupon.

B. The Attorney-Client Relationship between Walgreens and Crowell.

14. In-house counsel for Walgreens retained Crowell to provide legal advice to Walgreens in the fall of 2008 related to proposed modifications to PSC, as well as the possibility of offering other pharmacy discount cards to Walgreens' customers.

15. Some of the legal advice Crowell provided to Walgreens was memorialized in at least one written memorandum in September 2008 regarding a proposal for Walgreens to offer prescription-discount cards to certain of its customers and the legal implications of those cards for Walgreens and its pharmacies. The memorandum also discussed actions that Walgreens and its

pharmacies could take to with respect to the legal issues discussed in the memorandum. The memorandum was sent by Crowell to an in-house attorney at Walgreens.

16. Walgreens paid for the work Crowell performed on behalf of Walgreens in November 2008 and December 2008.

17. During the course of Crowell's representation of Walgreens, Crowell acquired confidences of Walgreens related to PSC.

18. Walgreens reasonably believed that an attorney-client relationship existed between Walgreens and Crowell in at least the fall of 2008.

C. Walgreens' Request for Its Files.

19. On February 11, 2021, in-house counsel for Walgreens sent an email to Crowell's General Counsel, whose office is in the District of Columbia, authorizing Crowell to provide Reed Smith LLP (Reed Smith), as outside counsel for Walgreens, all of Crowell's work files regarding Walgreens, including (i) copies of all memos, notes, emails, research, and any other work product or information related to work Crowell performed on behalf of Walgreens at any time; and (ii) copies of all billing invoices and timekeeping records or invoices related to work Crowell performed on behalf of Walgreens at any time (the Walgreens Files).

20. On February 11, 2021, Reed Smith also asked Crowell to provide the Walgreens Files to Reed Smith, as authorized by Walgreens.

21. On February 15, 2021, Reed Smith followed up with Crowell on its request to surrender the Walgreens Files, stating that this was a matter of urgency, and requesting a rapid response.

22. On February 16, 2021, Reed Smith followed up again with Crowell to surrender the Walgreens Files, and stated that if Crowell did not promptly provide the Walgreens Files, then

Walgreens would be forced to commence legal action unless another acceptable timeline for production was agreed to by the parties.

23. On February 16, 2021, Crowell responded to Reed Smith, denying that Crowell had ever represented Walgreens and asserting that Crowell had only represented a subsidiary of Walgreens, Walgreens Health Initiatives (WHI), which Walgreens had sold in 2011 to a third party.

24. Crowell's response further stated that because Walgreens sold WHI in 2011, Crowell did not believe it could agree to surrender the Walgreens Files to Walgreens because such files belonged to WHI.

25. On February 17, 2021, Crowell and Reed Smith had additional discussions regarding the factual basis for Walgreens' claim that it had been a client of Crowell.

26. Regardless of whether Crowell represented WHI in the fall of 2008, Crowell had entered into an attorney-client relationship and represented Walgreens at that time as well.

27. As of the filing of this action, Crowell has refused to surrender the Walgreens Files as authorized and requested by Walgreens.

D. Applicable District of Columbia Rules of Professional Conduct.

a. Rule 1.16.

28. District of Columbia Rule of Professional Conduct 1.16(d) provides that “[i]n connection with any termination of representation, a lawyer shall . . . surrender[] papers and property to which the client is entitled[.]” D.C. Rules of Prof'l Conduct R. 1.16(d).

29. District of Columbia Ethics Opinion 333 provides that the “District of Columbia has rejected the ‘end-product’ approach of some jurisdictions – where the client only owns the pleadings, contracts, and reports that reflect the final result of the attorney’s work – in favor of the

majority, 'entire file' approach, 'which does not permit a lawyer to acquire a lien on any of the contents of the client file except that portion of work product within the file that has not been paid for.'" D.C. Ethics Op. 333 (2005).

30. Further, Ethics Opinion 333 notes that:

An attorney must surrender all papers and property *to which the client is entitled*. This requires the attorney to consider carefully the contents of the "file," ensuring that it contains all material that the client or another attorney would reasonably need to take over the representation of the matter, material substantively related to the representation, and material reasonably necessary to protect or defend the client's interests.

Id. (emphasis in original).

31. Ethics Opinion 333 provides that the surrendering of all papers and property to which the client is entitled includes the former attorney's opinion work product. *Id.*

b. Rules 1.13 and 1.7.

32. District of Columbia Rule of Professional Conduct 1.13(d) provides that a "lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders, or other constituents, subject to the provisions of Rule 1.7." D.C. Rules of Professional Conduct R. 1.13(d). "Thus, for purposes of interpreting [Rule 1.7], the specific entity represented by the lawyer is the 'client.' Ordinarily, that client's affiliates (parents and subsidiaries), other stockholders and owners, partners, members, etc., are not considered to be clients of the lawyer." D.C. Rules of Professional Conduct R. 1.7, Comment 21.

33. However, comment 22 to District of Columbia Rule of Professional Conduct 1.7 provides that there may be situations where the lawyer for an organization is deemed to represent a constituent of the organization client. "Such de facto representation has been found where a lawyer has received confidences from a constituent during the course of representing an organization client in circumstances in which the constituent reasonably believed that the lawyer

was acting as the constituent's lawyer as well as the lawyer for the organization client. In general, representation may be implied where on the facts there is a reasonable belief by the constituent that there is individual as well as collective representation." D.C. Rules of Prof'l Conduct R. 1.7, Comment 22 (internal citing references omitted).

34. Walgreens was a client of Crowell under the applicable rules of professional conduct.

COUNT I:

Replevin, D.C. Code § 16-3701, et al.

35. Walgreens incorporates by reference the allegations contained in each of the preceding paragraphs as if set forth fully herein.

36. Walgreens sues Crowell for unjustly detaining the Walgreens Files, including all memos, notes, emails, research, and any other work product or information related to work Crowell performed on behalf of Walgreens at any time, including billing invoices and timekeeping records related to that work. Crowell should surrender the Walgreens Files and deliver them to Walgreens' counsel, Reed Smith, at 1301 K Street, NW, Suite 1000 – East Tower, Washington, D.C. 20005; or, if the Walgreens Files are no longer available (i.e., eloigned), that Walgreens may have judgment of their value and all intermediate (i.e., mesne) profits and damages, in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Walgreens requests that the Court render judgment against Crowell and issue the following relief:

1. An order requiring Crowell to produce the Walgreens Files to Reed Smith, as counsel for Walgreens, including (i) copies of all memos, notes, emails, research, and any other

work product or information related to work Crowell performed on behalf of Walgreens at any time; and (ii) copies of all billing invoices and timekeeping records or invoices related to work Crowell performed on behalf of Walgreens at any time.

2. If the Walgreens Files are no longer available, damages in an amount to be determined at trial.

3. An award of all costs and expenses related to this action, including all attorneys' fees, any expert witness fees, and court costs, as permitted under the law.

4. Any other relief that the Court deems just and proper.

Dated: February 19, 2021

Respectfully submitted,

WALGREEN CO.

By: /s/ Frederick Robinson

Frederick Robinson (#367223)
Selina P. Coleman (#991740)
Megan F. Engel (#1010488)
REED SMITH LLP
1301 K. Street, N.W.
Suite 1000 – East Tower
Washington, D.C. 20005
Phone: (202) 414-9200
Fax: (202) 414-9299
frobinson@reedsmith.com
scoleman@reedsmith.com
mengel@reedsmith.com

Counsel for Plaintiff Walgreen Co.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

WALGREEN CO.)
200 Wilmot Road)
Deerfield, IL 60015)

Plaintiff,)

v.)

CROWELL & MORING LLP)
1001 Pennsylvania Ave., NW)
Washington, D.C. 20004)

Defendant.)

Civil Action No.:

2021 0861


DECLARATION OF FREDERICK ROBINSON

I, Frederick Robinson, hereby declare:

1. I am over 21 years of age and of sound mind to make this declaration.
2. In the fall of 2008, in-house counsel for Walgreen Co. (Walgreens) retained outside counsel from Crowell & Moring LLP (Crowell) to provide legal advice to Walgreens.
3. In the course of providing that legal advice to its client, Walgreens, Crowell created and retained privileged work product in the form of at least one written memorandum that was delivered to Walgreens in September 2008.
4. It is my information and belief that Walgreens is entitled to recover possession of all memos, notes, emails, research, and any other work product or information related to work that Crowell performed on behalf of Walgreens, including billing invoices and timekeeping records related to that work (the Walgreens Files).
5. Crowell is in possession and has detained the Walgreens Files.
6. The Walgreens Files are not subject to continued detention and were not taken upon a writ of replevin between the parties.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: February 19, 2021



Frederick Robinson



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Walgreen Co.

Plaintiff

vs.

2021 0861

Case Number

Crowell & Moring LLP

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Frederick Robinson (Bar No. 367223)

Name of Plaintiff's Attorney

Reed Smith LLP, 1301 K St. NW, Suite 1000 - East Tower

Address

Washington, DC 20005

202-414-9200

Telephone

如需翻译,请打电话 (202) 879-4828

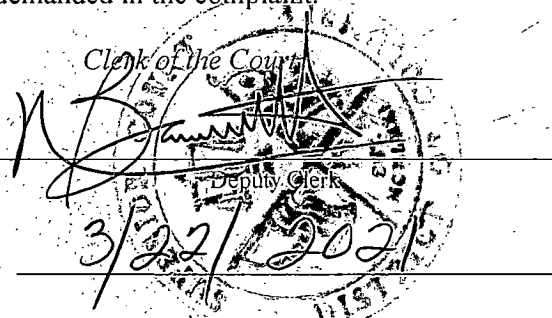
Veuillez appeler au (202) 879-4828 pour une traduction

Đề có một bài dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828로 전화주세요. የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

By

Date



IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
 Veá al dorso la traducción al español

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

2021 0861

Walgreen Co.	Case Number: _____
vs	Date: February 19, 2021
Crowell & Moring LLP	<input type="checkbox"/> One of the defendants is being sued in their official capacity.

Name: <i>(Please Print)</i> Frederick Robinson	Relationship to Lawsuit
Firm Name: Reed Smith LLP	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: 202-414-9200 Six digit Unified Bar No.: 367223	<input type="checkbox"/> Self (Pro Se)
	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury

Demand: \$ Return of client files from prior representation Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: <i>(Check One Box Only)</i>		
A. CONTRACTS	COLLECTION CASES	
<input type="checkbox"/> 01 Breach of Contract <input type="checkbox"/> 02 Breach of Warranty <input type="checkbox"/> 06 Negotiable Instrument <input type="checkbox"/> 07 Personal Property <input type="checkbox"/> 13 Employment Discrimination <input type="checkbox"/> 15 Special Education Fees	<input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent <input type="checkbox"/> 27 Insurance/Subrogation Over \$25,000 Pltf. Grants Consent <input type="checkbox"/> 07 Insurance/Subrogation Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only)	<input type="checkbox"/> 16 Under \$25,000 Consent Denied <input type="checkbox"/> 18 OVER \$25,000 Consent Denied <input type="checkbox"/> 26 Insurance/Subrogation Over \$25,000 Consent Denied <input type="checkbox"/> 34 Insurance/Subrogation Under \$25,000 Consent Denied
B. PROPERTY TORTS		
<input type="checkbox"/> 01 Automobile <input type="checkbox"/> 03 Destruction of Private Property <input type="checkbox"/> 05 Trespass <input type="checkbox"/> 02 Conversion <input type="checkbox"/> 04 Property Damage <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a)		
C. PERSONAL TORTS		
<input type="checkbox"/> 01 Abuse of Process <input type="checkbox"/> 02 Alienation of Affection <input type="checkbox"/> 03 Assault and Battery <input type="checkbox"/> 04 Automobile- Personal Injury <input type="checkbox"/> 05 Deceit (Misrepresentation) <input type="checkbox"/> 06 False Accusation <input type="checkbox"/> 07 False Arrest <input type="checkbox"/> 08 Fraud	<input type="checkbox"/> 10 Invasion of Privacy <input type="checkbox"/> 11 Libel and Slander <input type="checkbox"/> 12 Malicious Interference <input type="checkbox"/> 13 Malicious Prosecution <input type="checkbox"/> 14 Malpractice Legal <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice)	<input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) <input type="checkbox"/> 19 Wrongful Eviction <input type="checkbox"/> 20 Friendly Suit <input type="checkbox"/> 21 Asbestos <input type="checkbox"/> 22 Toxic/Mass Torts <input type="checkbox"/> 23 Tobacco <input type="checkbox"/> 24 Lead Paint

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA)
(D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 02 Att. Before Judgment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 31 Housing Code Regulations |
| <input checked="" type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 32 Qui Tam |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 33 Whistleblower |
| <input type="checkbox"/> 16 Declaratory Judgment | |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |

/s/ Frederick Robinson

Attorney's Signature

February 19, 2021

Date



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Telephone: (202) 879-1133 • Website: www.dccourts.gov

WALGREEN CO
Vs.
CROWELL & MORING LLP

C.A. No. 2021 CA 000861 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure ("Super. Ct. Civ. R.") 40-1, it is hereby **ORDERED** as follows:

(1) This case is assigned to the judge and calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption.

(1) Within 60 days of the filing of the complaint, plaintiff must file proof of service on each defendant of copies of (a) the summons, (b) the complaint, and (c) this Initial Order and Addendum. The court will dismiss the claims against any defendant for whom such proof of service has not been filed by this deadline, unless the court extended the time for service under Rule 4(m).

(3) Within 21 days of service (unless otherwise provided in Rule 12), each defendant must respond to the complaint by filing an answer or other responsive pleading. The court may enter a default and a default judgment against any defendant who does not meet this deadline, unless the court extended the deadline under Rule 55(a).

(4) At the time stated below, all counsel and unrepresented parties shall participate in a remote hearing to establish a schedule and discuss the possibilities of settlement. Counsel shall discuss with their clients **before** the hearing whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this hearing.**

(5) If the date or time is inconvenient for any party or counsel, the Civil Actions Branch may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. To reschedule the hearing, a party or lawyer may call the Branch at (202) 879-1133. Any such request must be made at least seven business days before the scheduled date.

No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Anita M. Josey-Herring

Case Assigned to: Judge HIRAM E PUIG-LUGO

Date: March 18, 2021

Initial Conference: **REMOTE HEARING - DO NOT COME TO COURTHOUSE
SEE REMOTE HEARING INSTRUCTIONS ATTACHED TO INITIAL ORDER**

9:30 am, Friday, June 18, 2021

Location: Courtroom 318

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

D.C. Code § 16-2821, which part of the Medical Malpractice Proceedings Act of 2006, provides, "[a]fter action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ('ISSC'), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC."

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. D.C. Code § 16-2825 Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. Unrepresented plaintiffs who elect not to eFile must either mail the form to the Multi-Door Dispute Resolution Office at, Suite 2900, 410 E Street, N.W., Washington, DC 20001, or deliver if in person if the Office is open for in-person visits.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following people are required by D.C. Code § 16-2824 to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is unrepresented may mail the form to the Civil Actions Branch at [address] or deliver it in person if the Branch is open for in-person visits. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Anita M. Josey-Herring

Civil Remote Hearing Instructions for Participants

The following instructions are for participants who are scheduled to have cases heard before a Civil Judge in a **Remote Courtroom**

Option 1: (AUDIO ONLY/Dial-in by Phone):

Toll 1 (844) 992-4762 or (202) 860-2110, enter the Meeting ID from the attachment followed by #, press again to enter session.

- *Please call in no sooner than 5 minutes before your scheduled hearing time. Once you have joined the session, please place your phone on mute until directed otherwise. If you should happen to get disconnected from the call, please call back in using the phone number and access number provided and the courtroom clerk will mute your call until the appropriate time.*

If you select **Option 2** or **Option 3** use the **Audio Alternative**

Option 2: (LAPTOP/ DESKTOP USERS 1):

Open Web Browser in Google Chrome and copy and paste following address from the next page:
<https://dccourts.webex.com/meet/XXXXXXXXXX>

Option 3: (LAPTOP/ DESKTOP USERS 2):

Open Web Browser in Google Chrome and copy and paste following address
<https://dccourts.webex.com> Select **Join**, enter the Meeting ID from the next page

AUDIO ALTERNATIVE: Instead of automatically using **USE COMPUTER FOR AUDIO**, select **CALL-IN** and follow the **CALL-IN** prompt window. Use a cell phone or desk phone. You will be heard clearer if you **do not** place your phone on **SPEAKER**. It is very important that you enter the **ACCESS ID #** so that your audio is matched with your video.



Option 4: (Ipad/SMART PHONE/TABLET):

- Go to App Store, Download WebEx App (Cisco WebEx Meetings)
- Sign into the App with your Name and Email Address
- Select Join Meeting
- Enter address from the next page: <https://dccourts.webex.com/meet/XXXXXXXXXX>
- Click join and make sure your microphone is muted and your video is unmuted (if you need to be seen). If you only need to speak and do not need to be seen, use the audio only option.
- When you are ready click "Join Meeting". If the host has not yet started the meeting, you will be placed in the lobby until the meeting begins.

For Technical Questions or issues Call: (202) 879-1928, Option #2

Superior Court of the District of Columbia
Public Access for Remote Court Hearings
(Effective August 24, 2020)

The current telephone numbers for all remote hearings are: 202-860-2110 (local) or 844-992-4726 (toll free). After dialing the number, enter the WebEx Meeting ID as shown below for the courtroom. Please click a WebEx Direct URL link below to join the hearing online.

Audio and video recording; taking pictures of remote hearings; and sharing the live or recorded remote hearing by rebroadcasting, live-streaming or otherwise are not allowed

Division	Courtroom	Types of Hearings Scheduled in Courtroom	Public Access via WebEx	
			WebEx Direct URL	WebEx Meeting ID
Auditor Master	206	Auditor Master Hearings	https://dccourts.webex.com/meet/ctbaudmaster	129 648 5606
Civil	100	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb100	129 846 4145
	205	Foreclosure Matters	https://dccourts.webex.com/meet/ctb205	129 814 7399
	212	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb212	129 440 9070
	214	Title 47 Tax Liens; and Foreclosure Hearings	https://dccourts.webex.com/meet/ctb214	129 942 2620
	219	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb219	129 315 2924
	221	Civil 1 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb221	129 493 5162
	318	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb318	129 801 7169
	320	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb320	129 226 9879

400	Judge in Chambers Matters including Temporary Restraining Orders, Preliminary Injunctions and Name Changes	https://dccourts.webex.com/meet/ctb400	129 339 7379
415	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb415	129 314 3475
516		https://dccourts.webex.com/meet/ctb516	129 776 4396
517		https://dccourts.webex.com/meet/ctb517	129 911 6415
518		https://dccourts.webex.com/meet/ctb518	129 685 3445
519		https://dccourts.webex.com/meet/ctb519	129 705 0412
JM-4		https://dccourts.webex.com/meet/ctbjm4	129 797 7557
A-47	Housing Conditions Matters	https://dccourts.webex.com/meet/ctba47	129 906 2065
B-52	Debt Collection and Landlord and Tenant Trials	https://dccourts.webex.com/meet/ctbb52	129 793 4102
B-53	Landlord and Tenant Matters including Lease Violation Hearings and Post Judgment Motions	https://dccourts.webex.com/meet/ctbb53	129 913 3728
B-109	Landlord and Tenant Matters	https://dccourts.webex.com/meet/ctbb109	129 127 9276
B-119	Small Claims Hearings and Trials	https://dccourts.webex.com/meet/ctbb119	129 230 4882