

3815 CONTINUANCES, LATE FILINGS, AND AMENDMENT OF PLEADINGS

- 3815.1 Any party may request, by motion, a continuance of a scheduled hearing at least five (5) days before its scheduled date. The motion shall propose at least two (2) new dates and times for the scheduled hearing that are no more than thirty (30) days from the original scheduled date. The motion shall state that the party filing the motion has sought the consent of all other parties prior to filing. A party may request a continuance of a hearing without meeting the requirements of this subsection only in extraordinary circumstances.
- 3815.2 When a party is allowed or required to make a filing or take any other action within a specific time period under this chapter or an order of the Commission, the party may request, by motion, an extension of the time period, even after the period has expired.
- 3815.3 Notwithstanding § 3815.2, the Commission shall not extend the time for filing a notice of appeal unless equitable tolling of the time is warranted by the specific facts of the case, including that there is no unexplained or undue delay by the appellant and that there is no prejudice to the appellee.
- 3815.4 A motion under this section shall set forth good cause for the extension. A continuance of a particular hearing or an extension of time to make a particular filing shall be granted liberally the first time requested, and subsequent requests or recurring motions by a party shall be strictly limited.
- 3815.5 A motion filed under this section shall be filed in writing in accordance with § 3814, including a certification of good faith effort to obtain agreement of all parties pursuant to § 3814.6.
- 3815.6 A pleading that has been untimely filed may be treated as timely filed with the consent of all parties or may be struck on the Commission's own motion or by motion of a party.
- 3815.7 A party may request, by motion, leave to amend a pleading that has already been filed, other than a notice of appeal, to correct a misstatement of law or fact or to raise an argument that would otherwise be waived, at any time for good cause shown. A party may amend a pleading for any reason, without leave of the Commission, if the time to file the pleading has not yet expired.
- 3815.8 A motion to amend a pleading shall set forth the proposed amendment(s) and may be granted if the Commission determines that no prejudice to an opposing party's opportunity to respond to the moving party would result.

District of Columbia Municipal Regulations

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1346 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).