

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA,
a municipal corporation,
441 4th Street, N.W.
Washington, D.C. 20001,

Plaintiff,

v.

KIANA E. BENNETT
1436 41st Street, S.E.
Washington, D.C. 20020,

and

WILLIE J. BENNETT JR.
1436 41st Street, S.E.
Washington, D.C. 20020,

Defendants.

Civil Action No. 2019 CA 000720 B

JURY TRIAL DEMANDED

FALSE CLAIMS ACT COMPLAINT AND JURY DEMAND

The District of Columbia (the District), by its Office of the Attorney General, brings this action against Defendants Kiana E. Bennett and Willie J. Bennett Jr. pursuant to the common law and the District's False Claims Act, D.C. Code § 2-381.02(a), seeking treble damages and civil penalties. The District alleges as follows:

Jurisdiction

1. This Court has subject matter jurisdiction over this case pursuant to D.C. Code § 11-921 and § 2-381.02.

2. This Court has personal jurisdiction over Defendants pursuant to D.C. Code §§ 13-423(a)(1), (3).

The Parties

3. Plaintiff the District of Columbia, a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1). The Attorney General is specifically authorized to enforce the District's False Claims Act pursuant to D.C. Code § 2-381.03(a).

4. Defendant Kiana E. Bennett is a teacher at McKinley Technology High School, a District of Columbia Public School, and is an individual residing at 1436 41st Street, S.E., Washington, D.C. 20020.

5. Defendant Willie J. Bennett Jr. was formerly employed as an athletics coordinator within the District of Columbia Public School system, and is an individual residing at 1436 41st Street, S.E., Washington, D.C. 20020.

Defendants' Children

6. Defendants are the parents of two children. They have a daughter, K.B., and a son, W.B.

7. K.B. and W.B. were students at Ludlow-Taylor Elementary School (Ludlow-Taylor), a school in the District of Columbia Public Schools (DCPS) system located at 659 G Street, N.E., Washington, D.C. 20002.

8. During the 2014-15 school year, K.B. was enrolled at Ludlow-Taylor and attended tuition-free as if she were a District resident. During the 2013-14 and 2014-15 school years, W.B. was enrolled at Ludlow-Taylor and attended tuition-free as if he were a District resident.

9. During these school years, and at all times relevant to the actions described in this Complaint, Defendants and their children were residents of the State of Maryland.

District of Columbia False Claims Act

10. The District of Columbia Procurement Reform Amendment Act (the District's False Claims Act) awards treble damages and civil penalties for, *inter alia*, knowingly making or causing to be made false statements to conceal, avoid, or decrease an obligation to pay money to the District. D.C. Code § 2-381.02(a)(6) (2013).

11. The District's False Claims Act provides that:

(a) Any person who commits any of the following acts shall be liable to the District for 3 times the amount of damages which the District sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the District for

the costs of a civil action brought to recover penalties or damages, and shall be liable to the District for a civil penalty of not less than \$5,500, and not more than \$11,000, for each false or fraudulent claims for which the person:

* * *

(6) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the District, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the District;

D.C. Code § 2-381.02(a)(6).

12. Section 2-381.01(7)(A) of the District's False Claims Act defines "[k]nowing or knowingly" to mean that "a person, with respect to information, does any of the following: (i) Has actual knowledge of the information; (ii) Acts in deliberate ignorance of the truth or falsity of the information; or (iii) Acts in reckless disregard of the truth or falsity of the information." The terms "knowing" and "knowingly" do not require proof of specific intent to defraud. D.C. Code § 2-381.01(7)(B).

13. The District's False Claims Act defines "material" as "having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property." D.C. Code § 2-381.01(8).

14. "Obligation" is defined as "an established duty, whether or not fixed, arising from . . . statute or regulation, or from the retention of any overpayment." D.C. Code § 2-381.01(9).

Nonresident Tuition

15. D.C. Code § 38-302(a)(2) requires payment of nonresident tuition for each child who attends a public school in D.C. and does not have a parent, guardian, custodian, or other primary caregiver who resides in the District. *See also* D.C. Code § 38-1800.02(25); 5-A D.C.M.R. §§ 5001.5, 5099.1. Nonresident tuition rates are set by the District's Office of the State Superintendent of Education (OSSE) to "cover all expenses" incurred by the District in educating the student. D.C. Code § 38-302(b).

16. "Nonresident student" means "[a]n individuals under the age of 18 who is enrolled in a District of Columbia public school or public charter school, and does not have a parent, guardian, custodian, or primary care giver . . . residing in the District of Columbia." D.C. Code § 38-1800.02(25)(A).

17. D.C. Code §38-301(11) defines "parent" as a "natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody."

W. B.'s Attendance at a District School in the 2013-2014 School Year

18. During the 2013-14 school year, W.B. was enrolled at Ludlow-Taylor and attended tuition-free as if he were a District resident. In fact, during this time W.B. was residing with his parents, the Defendants, in Forestville, Maryland.

19. Nonresident tuition for W.B. to attend Ludlow-Taylor for the 2013-2014 school year totals \$9,306.

Defendant Willie J. Bennett Jr.'s False Statements
Enrolling K.B. in a District School in the 2014-2015 School Year

20. On April 24, 2014, Defendant Willie J. Bennett Jr. signed and submitted an Annual Student Enrollment Form. On the Annual Student Enrollment Form, Defendant Willie J. Bennett Jr. stated that he and K.B. lived at 4602 Kane Place, N.E., Washington, D.C. 20019. Defendant Willie J. Bennett Jr. signed and submitted the enrollment form, certifying that information on the form was accurate, and that he understood that “providing false information for purposes of defrauding the government is punishable by law.”

21. Defendant Willie J. Bennett Jr. also signed and submitted a DC Residency Verification form to OSSE on April 24, 2014. On that form, Defendant Willie J. Bennett Jr. affirmed that he resided at 4602 Kane Place, N.E., Washington, D.C. 20019, and signed a sworn statement of D.C. Residency, and certified that he understood the penalties for submitting false statements. The Residency Verification Form stated “Any person... who knowingly supplies false information to a public official in connection with student residency verification shall be subject to charges of tuition retroactively...”

22. Ludlow-Taylor relied on the information Defendant Willie J. Bennett Jr. submitted, and enrolled K.B. as a student for the 2014-15 school year. K.B. was enrolled as a District resident.

23. During the 2014-15 school year of K.B.'s enrollment at Ludlow-Taylor, Defendant Willie J. Bennett Jr. knew the information he provided on the Annual Student Enrollment Form and the DC Residency Verification Form was false because when he signed and submitted the forms, he knew that K.B. was living with him in Hyattsville, Maryland and not at the District address he stated on the forms.

**Defendant Willie J. Bennett Jr.'s False Statements
Enrolling W.B. in a District School in the 2014-2015 School Year**

24. On April 24, 2014, Defendant Willie J. Bennett Jr. signed and submitted an Annual Student Enrollment Form. On the Annual Student Enrollment Form, Defendant Willie J. Bennett Jr. stated that he and W.B. lived at 4602 Kane Place, N.E., Washington, D.C. 20019. Defendant Willie J. Bennett Jr. signed and submitted the enrollment form, certifying that information on the form was accurate, and that he understood that "providing false information for purposes of defrauding the government is punishable by law."

25. Defendant Willie J. Bennett Jr. also signed and submitted a DC Residency Verification form to OSSE on April 24, 2014. On that form, Defendant Willie J. Bennett Jr. affirmed that he resided at 4602 Kane Place, N.E., Washington, D.C. 20019, and signed a sworn statement of D.C.

Residency, and certified that he understood the penalties for submitting false statements. The Residency Verification Form stated “Any person... who knowingly supplies false information to a public official in connection with student residency verification shall be subject to charges of tuition retroactively...”

26. Ludlow-Taylor relied on the information Defendant Willie J. Bennett Jr. submitted, and enrolled W.B. as a student for the 2014-15 school year. W.B. was enrolled as a District resident.

27. During 2014-15 school year of W.B.’s enrollment at Ludlow-Taylor, Defendant Willie J. Bennett Jr. knew the information he provided on the Annual Student Enrollment Form and the DC Residency Verification Form was false because when he signed and submitted the forms, he knew that W.B. was living with him in Hyattsville, Maryland and not at the District address he stated on the forms.

**Defendant Kiana E. Bennett’s Knowing Avoidance of an
Obligation to Pay District Nonresident Tuition**

28. Defendant Kiana E. Bennett knew that she was obligated to pay nonresident tuition for her daughter and son to attend a DCPS school during the 2013-2014 and 2014-2015 school years because she knew that she, K.B., and W.B. resided in Maryland, and not in the District in that time period. At all times relevant to the acts alleged in this Complaint, Defendant Kiana E. Bennett and her daughter and son resided in Maryland.

29. Defendant Kiana E. Bennett also knew that by failing to notify the District, Ludlow-Taylor, DCPS or OSSE that she, Defendant Kiana E. Bennett, her daughter and son were Maryland residents, she improperly avoided an obligation to pay tuition to the District.

**Defendants' Failure to Pay Nonresident Tuition Owed
for their Children's Attendance at Ludlow-Taylor Elementary School**

30. Non-resident tuition for K.B. to attend Ludlow-Taylor Elementary School for the 2014-15 school year was \$12,719.00.

31. Non-resident tuition for W.B. to attend Ludlow-Taylor Elementary School for the 2013-14 and 2014-15 school years was, respectively, \$9,306.00 and \$9,492.00.

32. To date, Defendants have not paid any of the nonresident tuition they owe to the District for K.B.'s and W.B.'s attendance at Ludlow-Taylor, nor have any tuition payments been made on their behalf.

**COUNT I
False Claims Act
Knowingly Making a False Record or Statement
Material to Avoid an Obligation to Pay the District
(D.C. Code § 2-381.02(a)(6) (2013))**

33. The District realleges the foregoing paragraphs of this Complaint as if fully set forth herein.

34. Defendant Willie J. Bennett Jr. knowingly made, used, and caused to be made or used, false records or statements to conceal, avoid, or decrease a material obligation to pay the District. Defendant Willie J. Bennett Jr. knowingly signed and submitted false enrollment documents for

K.B. and W.B. to attend District schools, causing a DCPS school to decline to charge nonresident tuition for K.B. and W.B.'s attendance during the 2014-15 school year in violation of D.C. Code § 2-381.02(a)(6).

COUNT II
False Claims Act
Knowingly Concealing and Knowingly and Improperly Avoiding or
Decreasing an Obligation to Pay the District
(D.C. Code § 2-381.02(a)(6) (2013))

35. The District realleges the foregoing paragraphs of this Complaint as if fully set forth herein.

36. Defendant Kiana E. Bennett knowingly concealed and knowingly and improperly avoided or decreased an obligation to pay the District. Defendant Kiana E. Bennett knew that she had an obligation to pay nonresident tuition for her children K.B. and W.B. to attend District schools, because she, Defendant Kiana E. Bennett, K.B., and W.B. did not reside in the District. Defendant Kiana E. Bennett failed to notify the District of her and her children's correct address, causing a DCPS school to decline to charge nonresident tuition for K.B. and W.B.'s attendance during the and 2014-15 school year in violation of D.C. Code § 2-381.02(a)(6).

COUNT III
Unjust Enrichment

37. The District realleges the foregoing paragraphs of this Complaint as if fully set forth herein.

38. By having their children K.B. and W.B. attend a DCPS school for the 2013-14 and 2014-15 school year and by avoiding their obligation to

pay nonresident tuition to the District for those years, Defendants Bennett have been unjustly enriched to the detriment of the District.

Prayer for Relief

WHEREFORE, the District respectfully requests that judgment be entered in its favor and against Defendants on its claims, and impose damages and penalties as follows:

(1) On Count I against Defendant Willie J. Bennett Jr., awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$66,633.00 (three times \$22,211.00); civil penalties of not less than \$5,500.00 and not more than \$11,000.00, payable to the District for each violation of the District's False Claims Act;

(2) On Count II against Defendant Kiana E. Bennett, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$66,633 (three times \$22,211.00); civil penalties of not less than \$5,500.00 and not more than \$11,000.00, payable to the District for each violation of the District's False Claims Act;

(3) On Count III against Defendants Kiana E. Bennett and Willie J. Bennett Jr., awarding the District actual damages in an amount to be determined at trial, but not less than \$31,517.00;

(4) Awarding the District interest, costs, and other recoverable expenses permitted by law; and

(5) Awarding the District such further and additional relief as the Court may deem just and proper.

Jury Demand

The District of Columbia hereby demands a trial by jury by the maximum number of jurors permitted by law.

Dated: February 4, 2019

Respectfully Submitted,

KARL A. RACINE
Attorney General for the District of
Columbia

ROBYN R. BENDER
Deputy Attorney General
Public Advocacy Division

/s/ Catherine A. Jackson
CATHERINE A. JACKSON
[D.C. Bar No. 1005415]
Chief, Public Integrity Section

/s/ John Lui
JOHN LUI
[D.C. Bar No. 1021222]
Assistant Attorney General
Office of the Attorney General
441 4th Street, N.W., Suite 630 South
Washington, D.C. 20001
(202) 724-6526 (phone)
(202) 730-1474 (e-fax)
Email: John.Lui@dc.gov

Attorneys for the District of Columbia



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

District of Columbia

Plaintiff

vs.

Case Number 2019 CA 000720 B

Kiana E. Bennett

Defendant

1436 41st Street, S.E.
 Washington, D.C. 20020

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.

John Lui

Name of Plaintiff's Attorney

441 4th Street N.W., Suite 630 South

Address

Washington, D.C. 20001

(202) 724-6526

Telephone

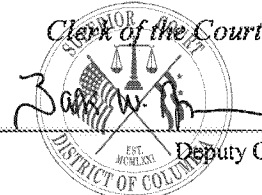
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By



Deputy Clerk

Date

02/04/2019

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.

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TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
Sección de Acciones Civiles
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

District of Columbia

Demandante

contra

Número de Caso: _____

Kiana E. Bennett

1436 41st Street, S.E.

Washington, D.C. 20020

Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintinueve (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

John Lui

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

441 4th Street N.W., Suite 630 South

Por: _____

Dirección

Washington, D.C. 20001

Subsecretario

(202) 724-6526

Fecha _____

Teléfono

如需翻译, 请打电话 (202) 879-4828

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IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPONERSE A ESTA ACCIÓN, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
 See reverse side for English original



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District of Columbia

Plaintiff

vs.

Case Number 2019 CA 000720 B

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Defendant

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John Lui

Name of Plaintiff's Attorney

441 4th Street N.W., Suite 630 South

Address

Washington, D.C. 20001

(202) 724-6526

Telephone

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By

Clerk of the Court



Deputy Clerk

Date 02/04/2019

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John Lui

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Nombre del abogado del Demandante

441 4th Street N.W., Suite 630 South

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~~(202) 879-4828~~

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE Oponerse a esta acción, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedirayuda al respecto.

Vea al dorso el original en inglés
 See reverse side for English original

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

District of Columbia

Case Number: **2019 CA 000720 B**

vs

Date: **February 4, 2019**

Kiana E. Bennett and Willie J. Bennett Jr.

One of the defendants is being sued
in their official capacity.

Name: <i>(Please Print)</i> John Lui	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Firm Name: Office of the Attorney General	
Telephone No.: (202) 724-6526	Six digit Unified Bar No.: 1021222

TYPE OF CASE: Non-Jury

6 Person Jury

12 Person Jury

Demand: \$ 66,633.00

Other: **And penalties awarded by the Court**

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____

Judge: _____

Calendar #: _____

Case No.: _____

Judge: _____

Calendar#: _____

NATURE OF SUIT: *(Check One Box Only)*

A. CONTRACTS

COLLECTION CASES

01 Breach of Contract

02 Breach of Warranty

06 Negotiable Instrument

07 Personal Property

13 Employment Discrimination

15 Special Education Fees

14 Under \$25,000 Pltf. Grants Consent

17 OVER \$25,000 Pltf. Grants Consent

27 Insurance/Subrogation

Over \$25,000 Pltf. Grants Consent

07 Insurance/Subrogation

Under \$25,000 Pltf. Grants Consent

28 Motion to Confirm Arbitration
Award (Collection Cases Only)

16 Under \$25,000 Consent Denied

18 OVER \$25,000 Consent Denied

26 Insurance/Subrogation

Over \$25,000 Consent Denied

34 Insurance/Subrogation

Under \$25,000 Consent Denied

B. PROPERTY TORTS

01 Automobile

02 Conversion

07 Shoplifting, D.C. Code § 27-102 (a)

03 Destruction of Private Property

04 Property Damage

05 Trespass

C. PERSONAL TORTS

01 Abuse of Process

02 Alienation of Affection

03 Assault and Battery

04 Automobile- Personal Injury

05 Deceit (Misrepresentation)

06 False Accusation

07 False Arrest

08 Fraud

10 Invasion of Privacy

11 Libel and Slander

12 Malicious Interference

13 Malicious Prosecution

14 Malpractice Legal

15 Malpractice Medical (Including Wrongful Death)

16 Negligence- (Not Automobile,
Not Malpractice)

17 Personal Injury- (Not Automobile,
Not Malpractice)

18 Wrongful Death (Not Malpractice)

19 Wrongful Eviction

20 Friendly Suit

21 Asbestos

22 Toxic/Mass Torts

23 Tobacco

24 Lead Paint

SEE REVERSE SIDE AND CHECK HERE

IF USED

Information Sheet, Continued

C. OTHERS

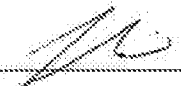
- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input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

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-J (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) | |



Attorney's Signature

2/4/19

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

DISTRICT OF COLUMBIA

Vs.

C.A. No. 2019 CA 000720 B

WILLIE J. BENNETT JR et al

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-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual 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. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the summons, the complaint, and this Initial Order and Addendum. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in Super. Ct. Civ. R. 4(m).

(3) Within 21 days of service as described above, except as otherwise noted in Super. Ct. Civ. R. 12, each defendant must respond to the complaint by filing an answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in Super. Ct. Civ. R. 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial scheduling and settlement conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference 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 Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than seven business days before the scheduling conference 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 Robert E. Morin

Case Assigned to: Judge FLORENCE Y PAN

Date: February 4, 2019

Initial Conference: 9:30 am, Friday, May 17, 2019

Location: Courtroom 415

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an 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." D.C. Code § 16-2821.

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. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 2900, 410 E Street, N.W. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

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 persons are required by statute 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. D.C. Code § 16-2824.

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 *pro se* may elect to file the report by hand with the Civil Actions Branch. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Robert E. Morin