

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

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DISTRICT OF COLUMBIA,  
a municipal corporation,  
441 4<sup>th</sup> Street NW  
Washington, D.C. 20001,

Plaintiff,

v.

MARCUS SILVER  
6816 Shepherd Street  
Hyattsville, MD 20784,

and

MARVA SILVER  
6816 Shepherd Street  
Hyattsville, MD 20784,

Defendants.

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Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR UNJUST ENRICHMENT**

The District of Columbia (the District), by its Office of the Attorney General, brings this action against Defendants Marcus Silver and Marva Silver. The District alleges as follows:

**Jurisdiction**

1. This Court has subject matter jurisdiction over this case pursuant to D.C. Code § 11-921, as this action is brought by the District.
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 brings this action 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).

4. Defendant Marcus Silver is an individual residing at 6816 Shepherd Street, Hyattsville, MD 20784, and is an Abandoned Vehicle Investigator for the Department of Public Works (DPW), a District of Columbia Government agency.

5. Defendant Marva Silver is an individual residing at 6816 Shepherd Street, Hyattsville, MD 20784.

### **Defendants' Child's Enrollment at District Schools**

6. Defendants Marcus Silver and Marva Silver are the parents of M.S.

7. M.S. was enrolled at Langley Education Campus (now known as Langley Elementary School), a school in the District of Columbia Public School (DCPS) system, for the 2011-12 school year.

8. M.S. previously was enrolled at Shaed Elementary School (now closed), a school in the District of Columbia Public School (DCPS) system, for the 2009-10 and 2010-11 school years.

9. During these school years, M.S. was enrolled at Langley Education Campus and Shaed Elementary School as if she were a District resident and attended tuition-free.

10. During these school years, and at all times relevant to the actions described in this Complaint, Defendants Marcus Silver and Marva Silver and M.S. were residing in the State of Maryland.

#### **Nonresident Tuition**

11. 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).

12. "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).

13. 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.”

**Defendants’ Failure to Pay Nonresident Tuition Owed for Her Child’s Attendance in a District School**

14. Nonresident tuition for M.S. to attend Langley Education Campus for the 2011-12 school year was \$9,213.00.

15. Nonresident tuition for M.S. to attend Shaed Elementary School for the 2009-10 and 2010-11 school years was, respectively, \$9,213.00 and \$9,033.00.

16. To date, Defendants Marcus Silver and Marva Silver have not paid any of the \$27,459.00 in nonresident tuition they owe to the District for M.S.’s attendance at Langley Education Campus and Shaed Elementary School, nor have any tuition payments been made on their behalf.

**COUNT I**  
**Unjust Enrichment**

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

18. By having their child M.S. attend DCPS schools during the 2009-10, 2010-11, and 2011-12 school years and by avoiding their obligation to pay nonresident tuition to the District for those years, Defendants Marcus Silver and Marva Silver 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 Defendants Marcus Silver and Marva Silver, awarding the District actual damages in an amount to be determined at trial, but not less than \$27,459.00;

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

(3) 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: June 18, 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*

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JOHN LUI

[D.C. Bar No. 1021222]

Assistant Attorney General

Office of the Attorney General

441 4<sup>th</sup> Street NW, 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