

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

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

Plaintiff,

v.

HELEN MART, LLC
4907 Nannie Helen Burroughs Avenue, NE
Washington, D.C. 20019

Serve on: Said Hassan, Reg. Agent
1500 Massachusetts Ave NW
Suite #619
Washington, D.C. 20005

Defendant.

Case No.:

COMPLAINT

Plaintiff the District of Columbia (“District”), through the Office of the Attorney General, brings this action against Defendant Helen Mart, LLC (“Helen Mart”), also known as “Pan Am Fresh Market,” a convenience store doing business in the District. On March 11, 2020, the Office of the Mayor issued Mayor’s Order No. 2020-045 (the “Order”)—which declared a Public Emergency due to the growing number of cases of COVID-19. The Order triggered the District’s Natural Disaster Consumer Protection Act, D.C. Code § 28-4101, *et seq.* (the “NDCPA”) which prohibits overcharging for goods and services during a public emergency. During this emergency Helen Mart sold Clorox Bleach for \$12.99, a price well above the normal price. The District issued a cease and desist letter to Helen Mart ordering it to stop selling Clorox Bleach at an

inflated price, however Helen Mart has continued to offer Clorox Bleach for sale at \$12.99. The District brings this action to compel compliance with the NDCPA.

JURISDICTION

1. This Court has jurisdiction over the subject matter of this case pursuant to D.C. Code §§ 11-921 and 28-3909.
2. This Court has personal jurisdiction over Helen Mart pursuant to D.C. Code § 13-423(a).

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 seat of the government for the United States. The District brings this action 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 Natural Disaster Consumer Protection Act by D.C. Code § 28-3909.

4. Defendant Helen Mart is registered to do business in the District of Columbia and operates a convenience store located at 4907 Nannie Helen Burroughs Avenue, NE, Washington, D.C. 20019.

FACTS

5. COVID-19 is a novel and deadly coronavirus. As of the time of this filing, it has plunged the United States into a public health crisis and has infected over 1,000,000 Americans and killed over 60,000—this includes more than 4,000 infected in the District and another 205 who have died.

6. On March 11, 2020 Mayor Muriel Bowser declared a public health emergency regarding the threat of COVID-19 in the District. Other states have done the same, including the neighboring states of Maryland and Virginia. The United States federal government likewise declared a national emergency concerning the COVID-19 outbreak on March 13, 2020.

7. The Declaration triggered protections in the District's Natural Disaster Consumer Protection Act. D.C. Code § 28-4101, *et seq.* Specifically, during a public health emergency it is illegal to "charge more than the normal average retail price for any merchandise or service sold during a public health emergency..." D.C. Code § 28-4102(a).

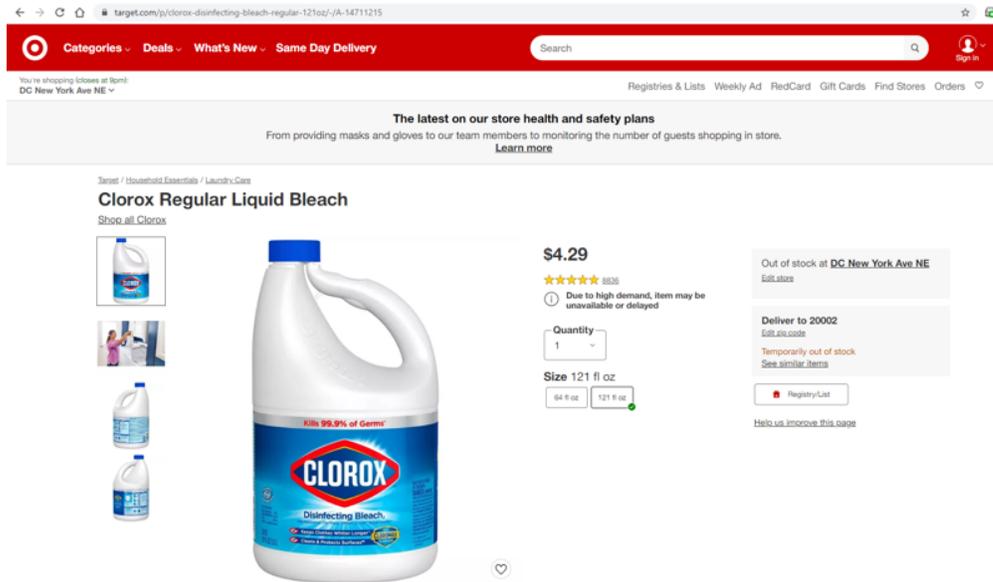
8. The "normal average retail price" is defined by the NDCPA as "the price equal to the wholesale cost plus a retail mark-up that is the same percentage over wholesale cost as the retail mark-up for similar merchandise sold in the Washington Metropolitan Area during the 90-day period that immediately preceded an emergency." D.C. Code § 28-4101(2).

9. Based on an anonymous complaint, an investigator for the District visited Helen Mart on April 22, 2020 and confirmed Helen Mart was selling 121-oz bottles of Clorox Bleach for \$12.99.

10. On April 23, 2020, the District issued a cease and desist letter to Helen Mart ordering Helen Mart to reduce the price of Clorox Bleach within 24 hours. The letter was hand delivered to an employee in the store. The District has received no response from Helen Mart.

11. On April 29, 2020, an investigator for the District returned to Helen Mart. The investigator confirmed with a store employee that the Clorox Bleach was still being sold for \$12.99.

12. The same size bottle of Clorox Bleach sells at other Washington, D.C. retailers for \$4.29.



13. Helen Mart is charging a price 200% greater than other retailers for Clorox Bleach.

Count I: Overcharging (D.C. Code §§ 28-4101 to 28-4103)

14. The District incorporates the allegations of paragraphs 1 through 13 in this Count.

15. The District’s Natural Disaster Consumer Protection Act prohibits the overcharging of consumers during a public health emergency. Specifically, it is illegal to “charge more than the normal average retail price for any merchandise or service sold during a public health emergency...” D.C. Code § 28-4102(a)

16. Helen Mart is charging \$12.99 for a 121-oz bottle of Clorox Bleach. This price far exceeds the average retail price for Clorox Bleach.

17. As of the filing of this Complaint, Helen Mart continues to take advantage of the ongoing COVID-19 public health emergency by overcharging consumers for an essential cleaning and disinfectant product, Clorox Bleach.

Prayer for Relief

WHEREFORE, the District of Columbia respectfully requests this Court enter a judgment in its favor and grant relief against Defendant Helen Mart, LLC. as follows:

- (a) Permanently enjoin Defendant from violating D.C. Code § 28-4102(a) by requiring the Defendant to immediately cease selling Clorox Bleach for prices greater than the wholesale cost plus a retail mark-up that is the same percentage over wholesale cost as the retail mark-up for similar merchandise sold in the Washington Metropolitan Area during the 90-day period that immediately preceded an emergency so long as the Mayor's Order No. 2020-045 (the "Order") remains in effect or is extended;
- (b) Award civil penalties in an amount to be proven at trial for each violation of D.C. Code § 28-4102(a), as authorized by D.C. Code § 28-4103(c);
- (c) Award the District the costs of this action and reasonable attorney's fees; and grant such further relief as the Court deems just and proper.

Dated: May 1, 2020

Respectfully submitted,

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/s/

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