

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.

MISS DALLAS TRUCKING, LLC doing  
business as DALLAS TRUCKING, LLC.  
8405 Hardwick Ct.  
Upper Marlboro, MD 20772

Serve: Kim Dowdy, Resident Agent  
Miss Dallas Trucking, LLC.  
8405 Hardwick Ct.  
Upper Marlboro, MD 20772

Defendant.

Case No.: \_\_\_\_\_

**VERIFIED COMPLAINT FOR RECOVERY OF COSTS AND CIVIL PENALTIES**

The District of Columbia (the District) files this action against Miss Dallas Trucking, LLC., doing business as Dallas Trucking, LLC., under the District of Columbia's Water Pollution Control Act of 1984, D.C. Code § 8-103 (2001), (2017 Supp.) and seeks recovery of costs and civil penalties for the removal of pollutants (diesel fuel and engine oil) that defendant improperly discharged into a drainage channel that connects to waters in the District of Columbia.

**Jurisdiction**

1. This Court has subject matter jurisdiction over Miss Dallas Trucking, LLC., under D.C. Code § 8-103.08(b) (2001) of the Water Pollution Control Act of 1984.

2. This Court has personal jurisdiction over defendant under D.C. Code § 13-423(a)(3) (2001).
3. The actions from which this case arose took place within the District of Columbia.

#### Parties

4. The District of Columbia is a municipal corporation that is empowered to sue and be sued, and sues here in performance of its municipal function to protect the public interest. D.C. Code § 1-301.81 (2001).
5. Miss Dallas Trucking, LLC., is registered in Maryland as a limited liability corporation with its principal place of business at 8405 Hardwick Ct., Upper Marlboro, MD 20772.
6. Prior to March 8, 2017, defendant operated under the corporate name of Dallas Trucking, LLC., which was formed on December 20, 2013, with its principal place of business at 8405 Hardwick Ct., Upper Marlboro, MD 20772. Its registered agent was Antione Robinson.
7. On March 8, 2017, defendant filed an article of amendment with the Maryland Department of Assessments and Taxation, which changed the corporate name to Miss Dallas Trucking, LLC., and identified Kim Dowdy as the registered agent.
8. Upon information and belief, defendant Miss Dallas Trucking, LLC., continues to do business as Dallas Trucking LLC.

### The Water Pollution Control Act of 1984

9. The Water Pollution Control Act of 1984 (the Act) prohibits the discharge of pollutants into the waters of the District, without a permit from the Mayor of the District of Columbia. *See* D.C. Code §§ 8-103.02, 8-103.06 (2001).
10. The District Department of Energy and Environment (DOEE) is delegated authority to implement and enforce the Act by Mayor's Order 1998-50 (Apr. 15, 1998) and Mayor's Order 2006-61 (June 14, 2006) (*see* Order at III, ¶ 21).
11. Under the Act, “[w]henever there is a discharge or substantial threat of discharge into the waters of the District of a pollutant which may present an imminent and substantial danger to the public health or welfare ...the Mayor is authorized to act to remove or arrange for the removal of the pollutant ...” D.C. Code § 8-103.08(b) (2001).
12. The Attorney General for the District of Columbia “may bring suit on behalf of the District in the Superior Court of the District of Columbia ... to recover any costs of removal incurred by the District, to impose civil penalties or to seek any other relief as the public interest may require.” D.C. Code § 8-103.08(b) (2001).
13. Discharge “means the spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous substance, including a discharge from a storm sewer drain, into or so that it may enter District of Columbia waters.” D.C. Code § 8-103.01(5) (2001).

14. Pollutant “means any substance which may alter or interfere with the restoration or maintenance of the chemical, physical, radiological, and biological integrity of the waters of the District; or any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, hazardous wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, oil, gasoline and related petroleum products, and industrial, municipal, and agricultural wastes.” D.C. Code § 8-103.01(19) (2001).
15. District of Columbia waters “means the flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District of Columbia ...” D.C. Code § 8-103.01(26) (2001).
16. An onshore facility includes vehicles not in the water. D.C. Code § 8-103.01(15) (2001).
17. Owner or operator “means, for a vessel or onshore or offshore facilities, a person owning, operating, or chartering by demise, the vessel or the facilities ...” D.C. Code § 8-103.01(16) (2001).
18. Under the Act, “an owner or operator of any vessel or onshore or offshore facility from which a hazardous substance or pollutant is discharged shall be liable for the full costs of removal, or for the cost of any assistance provided or arranged by the Mayor ... in addition to any civil penalty.” D.C. Code § 8-103.17(e) (2001).

19. Under the Act, "an owner or operator of any vessel or onshore or offshore facility from which a hazardous substance or pollutant is discharged shall be liable ... for such amount as represents the damage to water quality and the aquatic life, in addition to any civil penalty." D.C. Code § 8-103.17(e) (2001).
20. DOEE is authorized to institute a civil action in the Superior Court of the District of Columbia for violations of the Act. D.C. Code § 8-103.18(b)(1) (2001).
21. The maximum penalty provided for each violation of the Act is \$50,000. D.C. Code § 8-103.18(b)(2)(A) (2001).
22. Each violation of the Act is considered a separate offense and is subject to a \$50,000 penalty. D.C. Code § 8-103.18(b)(2)(A) and (4).
23. In determining the amount of the penalty, the Court shall consider: "(1) the size of the person's business; (2) the ability of the person to continue the business despite the penalty; (3) the seriousness of the violation; and (4) the nature and extent of success in the person's efforts to mitigate the effects of the discharge." D.C. Code § 8-103.18(b)(2)(C) (2001).

#### Unlawful Discharge of Pollutants

24. On March 8, 2016, a dump truck lost control while exiting I-295, adjacent to and north of the intersection of Shepherd Parkway S.W., Washington, D.C. (the Site). The dump truck left the roadway and came to rest directly above a drainage channel that connects to an outfall that discharges into the Potomac River, a District water. A reinforced concrete bank where the truck came to

rest punctured both of the truck's fuel tanks, causing diesel fuel and engine oil to discharge into the drainage channel.

25. The dump truck was marked for identification as U.S. DOT No. 2453711, with Maryland license plate No. 250ED36. U.S. DOT No. 2453711 is registered to Dallas Trucking, LLC., 8405 Hardwick Ct., Upper Marlboro, MD 20772, which was the defendant's corporate name at the time of the incident.
26. Because Miss Dallas Trucking, LLC., is defendant's current corporate name, Miss Dallas Trucking, LLC., is an owner or operator of the truck under the Act.
27. The dump truck was carrying a substantial amount of diesel fuel and engine oil, which are "pollutants" under the Act.
28. Because of the location of the Site, the diesel fuel and engine oil presented an imminent and substantial threat of discharge into the Potomac River, a District waterway.
29. Without an immediate response action by DOEE, the diesel fuel and engine oil would have entered the Potomac River and would have presented an imminent and substantial threat to the public health or welfare.

#### Removal of Pollutants by DOEE and its Agents

30. On March 8, 2016, DOEE responded to the release of diesel fuel and engine oil at the Site.
31. On March 8, 2016, DOEE placed absorbent material on or near the drainage channel at the Site to prevent the flow of diesel fuel and engine oil into an outfall that discharges into the Potomac River.

32. On March 8, 2016, DOEE provided a vacuum truck to remove the diesel fuel and engine oil from the drainage channel.
33. On March 9, 2016, DOEE monitored the effectiveness of the previously placed absorbent materials and replaced these materials with new materials.
34. On March 9, 2016, DOEE removed contaminated soil at the Site and arranged for the disposal of the contaminated soil.
35. On March 11, 2016, DOEE monitored the Site and arranged to transport the contaminated soil.
36. On March 11, 2016, DOEE placed materials to absorb additional diesel fuel and engine oil and to prevent the migration of these pollutants to the Potomac River.
37. On March 15 and March 21, 2016, DOEE monitored the Site and determined that the threat posed by the pollutants had been eliminated and no further action or corrective measures were needed.
38. On March 24, 2016, DOEE removed the previously placed absorbent materials and arranged for the proper disposal of these materials.
39. DOEE paid \$31,399.69 to remove the pollutants. ¶¶ 31-39.
40. Plaintiff sent two cost-recovery demand letters to defendant notifying it of the violation and its liability for the costs incurred by the District to remove the pollutants. The first letter was sent on February 17, 2017, by certified mail, return-receipt requested, to Antione Robinson at defendant's primary place of business. The second letter was sent on June 19, 2017, by certified mail,

return-receipt requested, to Kim Dowdy at defendant's primary place of business. Both letters were returned. Plaintiff then attempted to contact defendant twice by telephone to notify it of the violation and its liability for the response costs incurred by the District. Two voicemails were left on voicemail that had a message reflecting that it belonged to Kim Dowdy. To date, the calls have not been returned.

## COUNT I

### Recovery of Removal Costs for Unlawfully Discharged Diesel Fuel and Engine Oil

41. Paragraphs 1 through 40 are re-alleged as if fully set forth here.
42. On March 8, 2016, defendant discharged diesel fuel and engine oil, which entered a drainage channel that connects to an outfall that discharges to District waters and posed an imminent and substantial danger to public health or welfare.
43. The diesel fuel and engine oil discharged from the defendant's dump truck are "pollutants" within the meaning of the Act. D.C. Code § 8-103.01(19) (2001).
44. Defendant corporation is a "person" within the meaning of the Act. D.C. Code § 8-103.01(17) (2001).
45. The release of diesel fuel and engine oil from defendant's dump truck constitutes a "discharge" within the meaning of the Act. D.C. Code § 8-103.01(5) (2001).
46. The Potomac River, to which the drainage channel is connected, constitutes "District water" within the meaning of the Act. D.C. Code § 8-103.01(26) (2001).



47. The dump truck owned and operated by defendant constitutes an “onshore facility” within the meaning of the Act. D.C. Code § 8-103.01(15) (2001).
48. Defendant was the “owner” and “operator” of the onshore facility from which the pollutants were discharged within the meaning of the Act. D.C. Code § 8-103.01(16) (2001).
49. The discharge of diesel fuel and engine oil posed a substantial threat of discharge into the waters of the District because the release occurred into a drainage channel that connects via an outfall to the Potomac River. If DOEE had not performed a response action, diesel fuel and engine oil likely would have entered the Potomac River.
50. The discharge of diesel fuel and engine oil presented an imminent and substantial danger to the public health or welfare because the direct touching or ingestion of said pollutants by humans, or the impact on fish in the Potomac River that could be ingested by humans, would pose a risk to public health.
51. As the owner and operator of the dump truck that unlawfully discharged the diesel fuel and engine oil, defendant is liable for the full costs of removal, or for the cost of any assistance provided or arranged by the Mayor, including a civil penalty. D.C. Code § 8-103.17(e) (2001).
52. Defendant owes DOEE \$31,399.69 for the response costs related to the Site clean-up from March 8-24, 2016.

## COUNT II

### Violation of the Act Based Upon Unlawful Discharge of Diesel Fuel and Engine Oil

53. Paragraphs 1 through 52 are re-alleged as if fully set forth here.
54. The Act prohibits the discharge of pollutants into the waters of the District, without a permit from the Mayor of the District of Columbia. On March 8, 2016, defendant, without a permit, discharged diesel fuel and engine oil, known pollutants, into a drainage channel that connects to District waters.
55. Defendant's discharge violated the Act. D.C. Code § 8-103.02 (2001).
56. Defendant is liable to the District for a civil penalty of up to \$50,000 under the Act. D.C. Code § 8-103.18(b)(2)(A) (2001).

#### Prayer for Relief

The District requests that judgment be entered in its favor and against defendant on its claims and seeks damages and penalties of not less than \$81,399.69 as follows:

(1) On Count I, order defendant to reimburse the District for all costs of removal incurred by the District because of the substantial threat of discharge of pollutants into District waters pursuant to D.C. Code § 8-103.08(b) (2001) of the Act, including direct costs of \$31,399.69;

(2) On Count II, award the District civil penalties of \$50,000 for the unpermitted discharge of diesel fuel and engine oil into District waters;

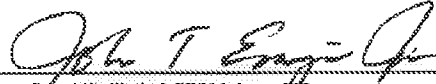
(3) All costs of this action, under D.C. Code § 8-103.16(f) (2001);

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

(5) Such other relief as the Court may deem just and proper.

Verification

I declare under penalty of perjury that the foregoing is true and correct.



JOHN T. EMMINIZER, JR.  
Chief, Emergency Operations  
Department of Energy & Environment

Executed on June 19, 2018

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of  
Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Kimberly M. Johnson  
KIMBERLY M. JOHNSON [435163]  
Chief, Government Contracts Section

/s/ Rebecca Barnes  
REBECCA BARNES [988432]  
Assistant Attorney General  
441 4th Street, NW  
6th Floor South  
Washington, D.C. 20001  
(202) 724-6653 (phone)  
(202) 730-0662 (fax)  
rebecca.barnes@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

Miss Dallas Trucking, LLC doing business as Dallas Trucking, LLC

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.

Rebecca Barnes, Assistant Attorney General

Clerk of the Court

Name of Plaintiff's Attorney

D.C. Office of the Attorney General

441 4th Street NW, Suite 630 S

Washington, DC 20001

(202) 724-6653

Telephone

By

Deputy Clerk

Date

如需翻译, 请打电话 (202) 879-4828

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

Để có một bản dịch, hãy gọi (202) 879-4828

법률용 원어사본, (202) 879-4828로 전화하십시오. የአገልግሎት ተግባር ለማግኘት (202) 879-4828 ይደውሉ

**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  
 Vea al dorso la traducción al español



**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](http://www.dccourts.gov)

.....  
 Demandante  
 contra  
 Demandado  
 Número de Caso: .....

**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 veintidós (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.

*SECRETARIO DEL TRIBUNAL*

.....  
 Nombre del abogado del Demandante  
 Por: .....  
 Dirección ..... Subsecretario  
 Fecha .....

.....  
 Teléfono  
 如需翻译,请打电话 (202) 879-4828      Veuillez appeler au (202) 879-4828 pour une traduction      Để có một bản dịch, hãy gọi (202) 879-4828  
 電話號碼: (202) 879-4828      電話號碼: (202) 879-4828      電話號碼: (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 pedir ayuda 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: \_\_\_\_\_

vs

Date: July 13, 2018

Miss Dallas Trucking, LLC, doing business as  
Dallas Trucking, LLC

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

Name: <i>(Please Print)</i> Rebecca Barnes, Assistant Attorney General		Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Firm Name: D.C. Office of the Attorney General		
Telephone No.: (202) 724-6653	Six digit Unified Bar No.: 988432	

TYPE OF CASE:  Non-Jury Demand;  6 Person Jury  
\$31,399.69

12 Person Jury

Other: \_\_\_\_\_

### 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

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> 01 Breach of Contract        | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent                            | <input type="checkbox"/> 16 Under \$25,000 Consent Denied                          |
| <input type="checkbox"/> 02 Breach of Warranty        | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent                             | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied                           |
| <input type="checkbox"/> 06 Negotiable Instrument     | <input type="checkbox"/> 27 Insurance/Subrogation<br>Over \$25,000 Pltf. Grants Consent    | <input type="checkbox"/> 26 Insurance/Subrogation<br>Over \$25,000 Consent Denied  |
| <input type="checkbox"/> 07 Personal Property         | <input type="checkbox"/> 07 Insurance/Subrogation<br>Under \$25,000 Pltf. Grants Consent   | <input type="checkbox"/> 34 Insurance/Subrogation<br>Under \$25,000 Consent Denied |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 28 Motion to Confirm Arbitration<br>Award (Collection Cases Only) |  |
| <input type="checkbox"/> 15 Special Education Fees    |  |  |

#### 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 checked="" type="checkbox"/> 04 Property Damage      |                                      |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102<br>(a) |   |                                      |

#### C. PERSONAL TORTS

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 01 Abuse of Process            | <input type="checkbox"/> 10 Invasion of Privacy                              | <input type="checkbox"/> 17 Personal Injury- (Not Automobile,<br>Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection     | <input type="checkbox"/> 11 Libel and Slander                                | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice)                      |
| <input type="checkbox"/> 03 Assault and Battery         | <input type="checkbox"/> 12 Malicious Interference                           | <input type="checkbox"/> 19 Wrongful Eviction                                     |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution                            | <input type="checkbox"/> 20 Friendly Suit   |
| <input type="checkbox"/> 05 Deceit (Misrepresentation)  | <input type="checkbox"/> 14 Malpractice Legal                                | <input type="checkbox"/> 21 Asbestos  |
| <input type="checkbox"/> 06 False Accusation            | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death)   | <input type="checkbox"/> 22 Toxic/Mass Torts                                      |
| <input type="checkbox"/> 07 False Arrest                | <input type="checkbox"/> 16 Negligence- (Not Automobile,<br>Not Malpractice) | <input type="checkbox"/> 23 Tobacco   |
| <input type="checkbox"/> 08 Fraud                       |  | <input type="checkbox"/> 24 Lead Paint  |

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# Information Sheet, Continued

## C. OTHERS

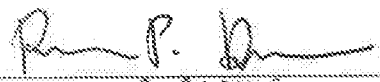
- |   |   |
|---|---|
| <input type="checkbox"/> 01 Accounting                                  | <input type="checkbox"/> 17 Merit Personnel Act (OEA)<br>(D.C. Code Title 1, Chapter 6)                     |
| <input type="checkbox"/> 02 Att. Before Judgment                        | <input type="checkbox"/> 18 Product Liability   |
| <input type="checkbox"/> 05 Ejectment                                   | <input type="checkbox"/> 24 Application to Confirm, Modify,<br>Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 09 Special Writ/Warrants<br>(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 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<br>[Rule 28-1 (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic                      | <input type="checkbox"/> 19 Enter Administrative Order as<br>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)<br>(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<br>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) |  |

  
REBECCA P. BARNES  
Attorney's Signature

July 13, 2018

Date

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.

MISS DALLAS TRUCKING, LLC doing  
business as DALLAS TRUCKING, LLC.  
8405 Hardwick Ct.  
Upper Marlboro, MD 20772

Serve: Kim Dowdy, Resident Agent  
Miss Dallas Trucking, LLC.  
8405 Hardwick Ct.  
Upper Marlboro, MD 20772

Defendant.

Case No.: 2018 CA 004996 B

**VERIFIED COMPLAINT FOR RECOVERY OF COSTS AND CIVIL PENALTIES**

The District of Columbia (the District) files this action against Miss Dallas Trucking, LLC., doing business as Dallas Trucking, LLC., under the District of Columbia's Water Pollution Control Act of 1984, D.C. Code § 8-103 (2001), (2017 Supp.) and seeks recovery of costs and civil penalties for the removal of pollutants (diesel fuel and engine oil) that defendant improperly discharged into a drainage channel that connects to waters in the District of Columbia.

**Jurisdiction**

1. This Court has subject matter jurisdiction over Miss Dallas Trucking, LLC., under D.C. Code § 8-103.08(b) (2001) of the Water Pollution Control Act of 1984.



2. This Court has personal jurisdiction over defendant under D.C. Code § 13-423(a)(3) (2001).
3. The actions from which this case arose took place within the District of Columbia.

#### Parties

4. The District of Columbia is a municipal corporation that is empowered to sue and be sued, and sues here in performance of its municipal function to protect the public interest. D.C. Code § 1-301.81 (2001).
5. Miss Dallas Trucking, LLC., is registered in Maryland as a limited liability corporation with its principal place of business at 8405 Hardwick Ct., Upper Marlboro, MD 20772.
6. Prior to March 8, 2017, defendant operated under the corporate name of Dallas Trucking, LLC., which was formed on December 20, 2013, with its principal place of business at 8405 Hardwick Ct., Upper Marlboro, MD 20772. Its registered agent was Antione Robinson.
7. On March 8, 2017, defendant filed an article of amendment with the Maryland Department of Assessments and Taxation, which changed the corporate name to Miss Dallas Trucking, LLC., and identified Kim Dowdy as the registered agent.
8. Upon information and belief, defendant Miss Dallas Trucking, LLC., continues to do business as Dallas Trucking LLC.

### The Water Pollution Control Act of 1984

9. The Water Pollution Control Act of 1984 (the Act) prohibits the discharge of pollutants into the waters of the District, without a permit from the Mayor of the District of Columbia. *See* D.C. Code §§ 8-103.02, 8-103.06 (2001).
10. The District Department of Energy and Environment (DOEE) is delegated authority to implement and enforce the Act by Mayor's Order 1998-50 (Apr. 15, 1998) and Mayor's Order 2006-61 (June 14, 2006) (*see* Order at III, ¶ 21).
11. Under the Act, "[w]henever there is a discharge or substantial threat of discharge into the waters of the District of a pollutant which may present an imminent and substantial danger to the public health or welfare ...the Mayor is authorized to act to remove or arrange for the removal of the pollutant ..."  
D.C. Code § 8-103.08(b) (2001).
12. The Attorney General for the District of Columbia "may bring suit on behalf of the District in the Superior Court of the District of Columbia ... to recover any costs of removal incurred by the District, to impose civil penalties or to seek any other relief as the public interest may require." D.C. Code § 8-103.08(b) (2001).
13. Discharge "means the spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous substance, including a discharge from a storm sewer drain, into or so that it may enter District of Columbia waters." D.C. Code § 8-103.01(5) (2001).

14. Pollutant “means any substance which may alter or interfere with the restoration or maintenance of the chemical, physical, radiological, and biological integrity of the waters of the District; or any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, hazardous wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, oil, gasoline and related petroleum products, and industrial, municipal, and agricultural wastes.” D.C. Code § 8-103.01(19) (2001).
15. District of Columbia waters “means the flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District of Columbia ...” D.C. Code § 8-103.01(26) (2001).
16. An onshore facility includes vehicles not in the water. D.C. Code § 8-103.01(15) (2001).
17. Owner or operator “means, for a vessel or onshore or offshore facilities, a person owning, operating, or chartering by demise, the vessel or the facilities ...” D.C. Code § 8-103.01(16) (2001).
18. Under the Act, “an owner or operator of any vessel or onshore or offshore facility from which a hazardous substance or pollutant is discharged shall be liable for the full costs of removal, or for the cost of any assistance provided or arranged by the Mayor ... in addition to any civil penalty.” D.C. Code § 8-103.17(e) (2001).

19. Under the Act, "an owner or operator of any vessel or onshore or offshore facility from which a hazardous substance or pollutant is discharged shall be liable ... for such amount as represents the damage to water quality and the aquatic life, in addition to any civil penalty." D.C. Code § 8-103.17(e) (2001).
20. DOEE is authorized to institute a civil action in the Superior Court of the District of Columbia for violations of the Act. D.C. Code § 8-103.18(b)(1) (2001).
21. The maximum penalty provided for each violation of the Act is \$50,000. D.C. Code § 8-103.18(b)(2)(A) (2001).
22. Each violation of the Act is considered a separate offense and is subject to a \$50,000 penalty. D.C. Code § 8-103.18(b)(2)(A) and (4).
23. In determining the amount of the penalty, the Court shall consider: "(1) the size of the person's business; (2) the ability of the person to continue the business despite the penalty; (3) the seriousness of the violation; and (4) the nature and extent of success in the person's efforts to mitigate the effects of the discharge." D.C. Code § 8-103.18(b)(2)(C) (2001).

#### Unlawful Discharge of Pollutants

24. On March 8, 2016, a dump truck lost control while exiting I-295, adjacent to and north of the intersection of Shepherd Parkway S.W., Washington, D.C. (the Site). The dump truck left the roadway and came to rest directly above a drainage channel that connects to an outfall that discharges into the Potomac River, a District water. A reinforced concrete bank where the truck came to

rest punctured both of the truck's fuel tanks, causing diesel fuel and engine oil to discharge into the drainage channel.

25. The dump truck was marked for identification as U.S. DOT No. 2453711, with Maryland license plate No. 250ED36. U.S. DOT No. 2453711 is registered to Dallas Trucking, LLC., 8405 Hardwick Ct., Upper Marlboro, MD 20772, which was the defendant's corporate name at the time of the incident.
26. Because Miss Dallas Trucking, LLC., is defendant's current corporate name, Miss Dallas Trucking, LLC., is an owner or operator of the truck under the Act.
27. The dump truck was carrying a substantial amount of diesel fuel and engine oil, which are "pollutants" under the Act.
28. Because of the location of the Site, the diesel fuel and engine oil presented an imminent and substantial threat of discharge into the Potomac River, a District waterway.
29. Without an immediate response action by DOEE, the diesel fuel and engine oil would have entered the Potomac River and would have presented an imminent and substantial threat to the public health or welfare.

#### Removal of Pollutants by DOEE and its Agents

30. On March 8, 2016, DOEE responded to the release of diesel fuel and engine oil at the Site.
31. On March 8, 2016, DOEE placed absorbent material on or near the drainage channel at the Site to prevent the flow of diesel fuel and engine oil into an outfall that discharges into the Potomac River.

32. On March 8, 2016, DOEE provided a vacuum truck to remove the diesel fuel and engine oil from the drainage channel.
33. On March 9, 2016, DOEE monitored the effectiveness of the previously placed absorbent materials and replaced these materials with new materials.
34. On March 9, 2016, DOEE removed contaminated soil at the Site and arranged for the disposal of the contaminated soil.
35. On March 11, 2016, DOEE monitored the Site and arranged to transport the contaminated soil.
36. On March 11, 2016, DOEE placed materials to absorb additional diesel fuel and engine oil and to prevent the migration of these pollutants to the Potomac River.
37. On March 15 and March 21, 2016, DOEE monitored the Site and determined that the threat posed by the pollutants had been eliminated and no further action or corrective measures were needed.
38. On March 24, 2016, DOEE removed the previously placed absorbent materials and arranged for the proper disposal of these materials.
39. DOEE paid \$31,399.69 to remove the pollutants. ¶¶ 31-39.
40. Plaintiff sent two cost-recovery demand letters to defendant notifying it of the violation and its liability for the costs incurred by the District to remove the pollutants. The first letter was sent on February 17, 2017, by certified mail, return-receipt requested, to Antione Robinson at defendant's primary place of business. The second letter was sent on June 19, 2017, by certified mail,

return-receipt requested, to Kim Dowdy at defendant's primary place of business. Both letters were returned. Plaintiff then attempted to contact defendant twice by telephone to notify it of the violation and its liability for the response costs incurred by the District. Two voicemails were left on voicemail that had a message reflecting that it belonged to Kim Dowdy. To date, the calls have not been returned.

## COUNT I

### Recovery of Removal Costs for Unlawfully Discharged Diesel Fuel and Engine Oil

41. Paragraphs 1 through 40 are re-alleged as if fully set forth here.
42. On March 8, 2016, defendant discharged diesel fuel and engine oil, which entered a drainage channel that connects to an outfall that discharges to District waters and posed an imminent and substantial danger to public health or welfare.
43. The diesel fuel and engine oil discharged from the defendant's dump truck are "pollutants" within the meaning of the Act. D.C. Code § 8-103.01(19) (2001).
44. Defendant corporation is a "person" within the meaning of the Act. D.C. Code § 8-103.01(17) (2001).
45. The release of diesel fuel and engine oil from defendant's dump truck constitutes a "discharge" within the meaning of the Act. D.C. Code § 8-103.01(5) (2001).
46. The Potomac River, to which the drainage channel is connected, constitutes "District water" within the meaning of the Act. D.C. Code § 8-103.01(26) (2001).

47. The dump truck owned and operated by defendant constitutes an “onshore facility” within the meaning of the Act. D.C. Code § 8-103.01(15) (2001).
48. Defendant was the “owner” and “operator” of the onshore facility from which the pollutants were discharged within the meaning of the Act. D.C. Code § 8-103.01(16) (2001).
49. The discharge of diesel fuel and engine oil posed a substantial threat of discharge into the waters of the District because the release occurred into a drainage channel that connects via an outfall to the Potomac River. If DOEE had not performed a response action, diesel fuel and engine oil likely would have entered the Potomac River.
50. The discharge of diesel fuel and engine oil presented an imminent and substantial danger to the public health or welfare because the direct touching or ingestion of said pollutants by humans, or the impact on fish in the Potomac River that could be ingested by humans, would pose a risk to public health.
51. As the owner and operator of the dump truck that unlawfully discharged the diesel fuel and engine oil, defendant is liable for the full costs of removal, or for the cost of any assistance provided or arranged by the Mayor, including a civil penalty. D.C. Code § 8-103.17(e) (2001).
52. Defendant owes DOEE \$31,399.69 for the response costs related to the Site clean-up from March 8-24, 2016.

## COUNT II

### Violation of the Act Based Upon Unlawful Discharge of Diesel Fuel and Engine Oil



53. Paragraphs 1 through 52 are re-alleged as if fully set forth here.
54. The Act prohibits the discharge of pollutants into the waters of the District, without a permit from the Mayor of the District of Columbia. On March 8, 2016, defendant, without a permit, discharged diesel fuel and engine oil, known pollutants, into a drainage channel that connects to District waters.
55. Defendant's discharge violated the Act. D.C. Code § 8-103.02 (2001).
56. Defendant is liable to the District for a civil penalty of up to \$50,000 under the Act. D.C. Code § 8-103.18(b)(2)(A) (2001).

#### Prayer for Relief

The District requests that judgment be entered in its favor and against defendant on its claims and seeks damages and penalties of not less than \$81,399.69 as follows:

(1) On Count I, order defendant to reimburse the District for all costs of removal incurred by the District because of the substantial threat of discharge of pollutants into District waters pursuant to D.C. Code § 8-103.08(b) (2001) of the Act, including direct costs of \$31,399.69;

(2) On Count II, award the District civil penalties of \$50,000 for the unpermitted discharge of diesel fuel and engine oil into District waters;

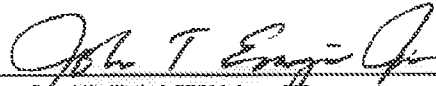
(3) All costs of this action, under D.C. Code § 8-103.16(f) (2001);

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

(5) Such other relief as the Court may deem just and proper.

Verification

I declare under penalty of perjury that the foregoing is true and correct.



JOHN T. EMMINIZER, JR.  
Chief, Emergency Operations  
Department of Energy & Environment

Executed on June 19, 2018

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of  
Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Kimberly M. Johnson  
KIMBERLY M. JOHNSON [435163]  
Chief, Government Contracts Section

/s/ Rebecca Barnes  
REBECCA BARNES [988432]  
Assistant Attorney General  
441 4th Street, NW  
6th Floor South  
Washington, D.C. 20001  
(202) 724-6653 (phone)  
(202) 730-0662 (fax)  
rebecca.barnes@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 2018 CA 004996 B

Miss Dallas Trucking, LLC doing business as Dallas Trucking, LLC

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.

Rebecca Barnes, Assistant Attorney General

Name of Plaintiff's Attorney

D.C. Office of the Attorney General

441 4th Street NW, Suite 630 S

Washington, DC 20001

(202) 724-6653

Telephone

如需翻译, 请拨打 (202) 879-4828

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

Để có một bản dịch, hãy gọi (202) 879-4828

법률용 원어사본, (202) 879-4828로 전화하십시오. የአገልግሎት ቁጥር (202) 879-4828 ይደውሉ

Clerk of the Court



By

Deputy Clerk

Date

07/16/2018

**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



**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

.....  
 Demandante  
 contra  
 Número de Caso: .....

.....  
 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 veintidós (22) 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.

*SECRETARIO DEL TRIBUNAL*

.....  
 Nombre del abogado del Demandante

.....  
 Dirección

.....  
 Teléfono

.....  
 Por: ..... Subsecretario

.....  
 Fecha .....

如需翻译,请打电话 (202) 879-4828      Veuillez appeler au (202) 879-4828 pour une traduction      Để có một bản dịch, hãy gọi (202) 879-4828  
 電話翻譯請撥打(202) 879-4828      電話翻譯請撥打(202) 879-4828      電話翻譯請撥打(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 pedir ayuda al respecto.

Vea al dorso el original en inglés  
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# Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

## INFORMATION SHEET

District of Columbia

Case Number: **2018 CA 004996 B**

vs

Date: **July 13, 2018**

Miss Dallas Trucking, LLC, doing business as  
Dallas Trucking, LLC

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

Name: <i>(Please Print)</i> Rebecca Barnes, Assistant Attorney General	Relationship to Lawsuit
Firm Name: D.C. Office of the Attorney General	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: (202) 724-6653	<input type="checkbox"/> Self (Pro Se)
Six digit Unified Bar No.: 988432	<input type="checkbox"/> Other: _____

TYPE OF CASE:  Non-Jury Demand;  6 Person Jury  
\$31,399.69

12 Person Jury

Other: \_\_\_\_\_

### 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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 01 Breach of Contract        | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent                            | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty        | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent                             | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied  |
| <input type="checkbox"/> 06 Negotiable Instrument     | <input type="checkbox"/> 27 Insurance/Subrogation  | <input type="checkbox"/> 26 Insurance/Subrogation         |
| <input type="checkbox"/> 07 Personal Property         | Over \$25,000 Pltf. Grants Consent   | Over \$25,000 Consent Denied                              |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation  | <input type="checkbox"/> 34 Insurance/Subrogation         |
| <input type="checkbox"/> 15 Special Education Fees    | Under \$25,000 Pltf. Grants Consent  | Under \$25,000 Consent Denied                             |
|   | <input type="checkbox"/> 28 Motion to Confirm Arbitration<br>Award (Collection Cases Only) |   |

#### 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 checked="" type="checkbox"/> 04 Property Damage      |                                      |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102<br>(a) |   |                                      |

#### C. PERSONAL TORTS

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 01 Abuse of Process            | <input type="checkbox"/> 10 Invasion of Privacy                              | <input type="checkbox"/> 17 Personal Injury- (Not Automobile,<br>Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection     | <input type="checkbox"/> 11 Libel and Slander                                | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice)                      |
| <input type="checkbox"/> 03 Assault and Battery         | <input type="checkbox"/> 12 Malicious Interference                           | <input type="checkbox"/> 19 Wrongful Eviction                                     |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution                            | <input type="checkbox"/> 20 Friendly Suit   |
| <input type="checkbox"/> 05 Deceit (Misrepresentation)  | <input type="checkbox"/> 14 Malpractice Legal                                | <input type="checkbox"/> 21 Asbestos  |
| <input type="checkbox"/> 06 False Accusation            | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death)   | <input type="checkbox"/> 22 Toxic/Mass Torts                                      |
| <input type="checkbox"/> 07 False Arrest                | <input type="checkbox"/> 16 Negligence- (Not Automobile,<br>Not Malpractice) | <input type="checkbox"/> 23 Tobacco   |
| <input type="checkbox"/> 08 Fraud                       |  | <input type="checkbox"/> 24 Lead Paint  |

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# Information Sheet, Continued

## C. OTHERS

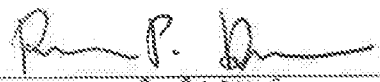
- |   |   |
|---|---|
| <input type="checkbox"/> 01 Accounting                                  | <input type="checkbox"/> 17 Merit Personnel Act (OEA)<br>(D.C. Code Title 1, Chapter 6)                     |
| <input type="checkbox"/> 02 Att. Before Judgment                        | <input type="checkbox"/> 18 Product Liability   |
| <input type="checkbox"/> 05 Ejectment                                   | <input type="checkbox"/> 24 Application to Confirm, Modify,<br>Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 09 Special Writ/Warrants<br>(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 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<br>[Rule 28-1 (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic                      | <input type="checkbox"/> 19 Enter Administrative Order as<br>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)<br>(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<br>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)    |   |  |

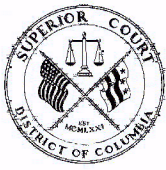
## D. REAL PROPERTY

- |  |  |
|--|--|
| <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) |  |

  
REBECCA P. BARNES  
Attorney's Signature

July 13, 2018

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](http://www.dccourts.gov)

DISTRICT OF COLUMBIA

Vs.

C.A. No. 2018 CA 004996B

MISS DALLAS TRUCKING, LLC

**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 BRIAN F HOLEMAN

Date: July 16, 2018

Initial Conference: 9:30 am, Friday, October 12, 2018

Location: Courtroom 516

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](http://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](mailto: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](http://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](http://www.dccourts.gov/medmalmediation).

Chief Judge Robert E. Morin