

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

DISTRICT OF COLUMBIA

Plaintiff,

v.

EQUITY RESIDENTIAL MANAGEMENT, L.L.C., *et al.*,

Defendants.

2017 CA 008334 B

Judge Yvonne Williams

JUDGMENT AND ORDER

This case concerns unfair and deceptive advertising and leasing practices at a rental apartment property located at 3003 Van Ness Street, NW, Washington, DC 20008 by Defendants Equity Residential Management, L.L.C. and Smith Properties Holdings Van Ness, L.P. On February 24, 2020, Plaintiff District of Columbia (the “District”) filed its Third Amended Complaint, alleging that Defendants violated the Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901, *et seq.* Following a Non-Jury Trial and post-trial briefing, on April 23, 2021, the Court entered judgment in favor of the Plaintiff with respect to claims under D.C. Code Sections 28-3904(e) and (f) and entered judgment in favor of Defendants with respect to claims under D.C. Code Sections 28-3904(a), (b), and (l) as well as Plaintiff’s claim that Defendants engaged in unlawful trade practices under the CPPA by raising rent prices above the maximum permitted under the Rental Housing Act. Following briefing on remedies, and a Remedies Hearing, the Court issues an Order on Remedies that more fully explains its analysis concurrent to this Judgement and Order.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.
2. The Court incorporates its findings of fact and conclusions in its Order issued April

23, 2021 concerning Defendants' liability.

3. The Court incorporates its findings of fact and conclusions in its Order on Remedies, concurrently issued with this Judgment and Order.

4. Defendants misrepresented or omitted material information about the accurate monthly apartment rent that would be the basis of lease renewals. Based on the record, including the Declaration of Rory Pulvino, a Senior Data Analyst at the Office of the Attorney General for the Government of the District of Columbia, consumers paid at least \$150,214.67 in application fees. Further, residents incurred at least \$719,129.52 in rent overcharges for rent increased above the amounts that would have been permissible had Defendants' representations about rental and leasing information been accurate. As a result, Defendants owe restitution for these ill-gotten gains. Prejudgment interest at the rate of 2 percent is appropriate as part of restitution.

5. The sum of costs and attorneys' fees reasonably expended on the litigation totals \$1,010,493.00.

I.

MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Within sixty (60) days of the entry of this Judgment and Order, Defendants shall pay the District of Columbia restitution in the amount of **\$869,344.19 plus 2 percent simple prejudgment interest**, pursuant to D.C. Code § 28-3909(a). Prejudgment interest shall be calculated per the methodology employed in the Declaration of Rory Pulvino, attached to the District's Brief on Remedies, filed June 25, 2021.

B. The District shall use all amounts collected as restitution to pay restitution to

consumers who have been harmed by Defendants' unlawful practices. The District shall distribute this restitution in an amount equal to the application fees and/or overcharges each consumer paid Defendants, less any amount that Defendants have already refunded to the consumer, with an applied 2 percent interest. Restitution may be distributed *pro rata* to consumers if Defendants fail to pay all restitution due. The District shall hold any unpaid restitution amounts either as an unclaimed fund for the consumer or it shall use the funds for any other lawful purpose designated by the Attorney General.

D. Defendants shall pay to the District the sum of **\$1,010,493.00** as costs and attorneys' fees, pursuant to D.C. Code § 28-3909(b).

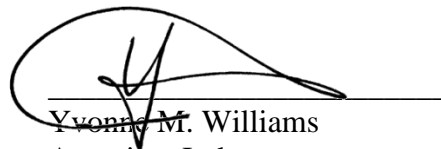
E. Judgment be and hereby is entered against Defendants Equity Residential Management, L.L.C. and Smith Properties Holdings Van Ness, L.P., jointly and severally, in the amounts stated above.

II.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

IT SO ORDERED THIS 8th day of October, 2021.

A handwritten signature in black ink, appearing to read 'Yvonne M. Williams', is written over a horizontal line. The signature is stylized and somewhat cursive.

Yvonne M. Williams
Associate Judge
Superior Court of the District of Columbia

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