

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

District of Columbia

Case Number: _____

vs
ALABAMA PLAZA LLC

Date: 6/2/2022

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

Name: <i>(Please Print)</i> Christopher Peña	Relationship to Lawsuit
Firm Name: Office of the Attorney General for the District of Columbia	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: 202-705-1798 Six digit Unified Bar No.: 888324806	<input type="checkbox"/> Self (Pro Se)
	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
Demand: \$ _____ 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 | |
| | 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 type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (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, 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, Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 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 checked="" 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-I (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) | |

/s/ Christopher Peña

Attorney's Signature

6/2/2022

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

 Plaintiff

vs.

Case Number _____

Alabama Plaza 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.

Christopher Peña

Clerk of the Court

 Name of Plaintiff's Attorney

Office of Attorney General for the District of Columbia

 Address

400 6th Street NW, 10th Floor, Washington, D.C. 20001

202-705-1798

 Telephone

By _____

Deputy Clerk

Date _____

如需翻译, 请打电话 (202) 879-4828

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

Đề có một bài dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828로 전화주세요. የአማርኛ ትርጉም 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
 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

District of Columbia

Demandante

contra

Número de Caso: _____

Alabama Plaza LLC

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 veintiún (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.

Christopher Peña
 Nombre del abogado del Demandante

SECRETARIO DEL TRIBUNAL

Office of Attorney General for the District of Columbia
 Dirección
 400 6th Street NW, 10th Floor, Washington, D.C. 20001

Por: _____
 Subsecretario

202-705-1798
 Teléfono

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
 번역을 원하시면 (202) 879-4828 로 전화하십시오 የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

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

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

DISTRICT OF COLUMBIA
400 Sixth Street NW
Washington, D.C. 20001

Plaintiff,

v.

ALABAMA PLAZA LLC
2209 Alabama Avenue SE
Washington, D.C. 20020

Serve On :

Registered Agent:
ACE CORPORATE SERVICES,
INC.
250 11th Street NE
Washington, D.C. 20002

Defendant.

Civ. No. _____

**COMPLAINT FOR VIOLATIONS OF THE DRUG-, FIREARM-, OR PROSTITUTION-
RELATED NUISANCE ABATEMENT ACT**

The District of Columbia (the “District”), through the Office of the Attorney General for the District of Columbia (“OAG”), files suit against Defendant Alabama Plaza LLC (“Alabama Plaza LLC”) for violations of the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Act (“Nuisance Act”), requiring Defendant to abate the persistent drug nuisance activity at the shopping center located between 2201-2209 Alabama Avenue SE, and 3218-3224 22nd Street SE, Washington, D.C. 20020 (the “Property” or “Alabama Plaza”) pursuant to D.C. Code §§ 42-3101, *et seq.* In support of this Complaint, the District states as follows:

PRELIMINARY STATEMENT

For long-time residents and families in the residential Southeast Douglass community, Alabama Plaza’s stores should be a community center where residents can grocery shop, purchase mobile phones, or sit in the barber’s chair at ease. Instead, drug sales on the Property cause neighbors and children to fear resultant violence and avoid these essential amenities. The Metropolitan Police Department (“MPD”) regularly receives and responds to complaints of drug activity at the Property, diverting crucial governmental resources from surrounding areas. In the past twelve months alone, MPD responded to the Property for drug-activity, including drug distribution and overdose, on at least eight occasions, arrested six individuals for carrying unlicensed firearms, including three individuals armed while dealing drugs, and responded to three shootings. Children are in danger, as Alabama Plaza has an onsite daycare and is closely located to a pre-kindergarten and an elementary school. In 2021, a thirteen-year-old boy and four others were wounded at the Plaza when an individual fired a loaded handgun blindly into a crowd. Despite being on notice of these public hazards, Defendant has failed to implement security improvements at the Property. The District now seeks declaratory and injunctive relief requiring Defendant to abate the drug-related nuisance at its Property, as well as civil damages and attorneys’ fees.

I. JURISDICTION

1. The Court has subject matter jurisdiction pursuant to D.C. Code §§ 11-921 and 42-3102(a).
2. The Court has personal jurisdiction pursuant to D.C. Code §§ 13-422 and 13-423.

II. 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 case by and through its chief legal officer, the Attorney General for the District of Columbia (the “Attorney General”). 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 also specifically authorized to enforce the Nuisance Act. D.C. Code § 42-3102(a).

4. Defendant Alabama Plaza LLC (“Alabama Plaza LLC”) is a limited liability company organized under the laws of the District of Columbia that conducts business in Washington, D.C. Alabama Plaza LLC maintains a principal place of business at 2209 Alabama Avenue SE, Washington, D.C. 20020, and has managed the Property since it acquired legal title to the Property on September 30, 2009.

III. FACTS

A. The Metropolitan Police Department Regularly Seizes Drugs from the Property.

5. The Property has been plagued by drug-related activity since at least 2020. In 2020, MPD arrested seven individuals at the Property for Possession of Controlled Substances with Intent to Distribute. On January 24, 2020, an MPD officer discovered a black scale and loose suspected marijuana residue on a shelf in Alabama Convenience. On March 15, 2020, MPD observed a hand-to-hand drug deal and seized over twenty ounces of marijuana-like substance, six-hundred and ninety-three dollars and a digital scale. MPD observed another hand-to-hand drug sale on August 24, seizing five plastic bags of green leafy substances, a digital scale and four-thousand six-hundred and thirty-six dollars. On September 9, 2020, MPD responded to three different incidents of drug-activity at the Property and seized, in total, over one-pound of suspected marijuana, sixteen grams of white rock, nineteen grams of synthetic cannabinoids, multiple digital scales and five thousand one-hundred sixteen dollars in different denominations. In December

2020, MPD seized 64.8 grams of ecstasy rocks during another narcotics arrest. These arrests were in addition to eleven reported incidents in 2020 in which persons, often unconscious or unresponsive, were urgently transported from the Property to the hospital to treat the effects of drug overdose.

6. The presence of firearms at the Property in 2020 was also tied to this drug activity. At least three of the individuals arrested for drug activity at the Property possessed firearms at the time of their arrest.

7. Despite these incidents and arrests, Defendant did not employ any armed security guards to patrol the Property in 2020.

8. Without proper security, drug activity continued at the Property into 2021. From January 2021 through January 2022, MPD arrested four individuals at the Property for Possession with Intent to Distribute a Controlled Substance, recovering a total of 231.1 grams of marijuana as well as other narcotics such as oxycodone and suboxone. At least four more overdosed persons were transported from the Property to the hospital in 2021.

9. Drug-related gun activity also continued at the Property in 2021 with three of the individuals arrested for drug crimes also charged with illegally possessing firearms.

10. To abate these drug-related crimes, and because Defendant had not employed its own security, MPD assigned a unit to the Property for eighteen weeks during a 2021 Summer Crime Initiative. MPD's patrol of this private property was unsustainable and a drain on public resources. After the initiative concluded, Defendant continued neglecting security at the Property, and violent crime at the plaza spiked in the fall of 2021 and into 2022.

11. On September 21, 2021, five individuals, including a young teen boy, were wounded in what MPD believes was a drug-motivated incident when a gunman shot wildly into a

crowd of people on the Property—leaving one victim in critical condition. On November 22, 2021, MPD responded to gunshots at the Property. On December 5, 2021, another firearm was unlawfully discharged on the Property. On January 19, 2022, MPD arrested an individual carrying an illegal firearm and possessing a controlled substance with the intent to distribute. These and other incidents at the Property have endangered innocent patrons and community members. On April 18, 2022, children arrived for a day of learning at the Creative Korner Early Learning Center to find that the front window of the center was shattered by a hurled object (*see image below*). The center’s director fears that someday an object, or bullet, will come through the window and injure a child or teacher.



Shattered window at Creative Korner Early Learning Center, daycare in Alabama Plaza

B. Defendant Has Failed to Abate the Drug- Nuisance Activity on the Property Despite Receiving Notice.

12. On October 16, 2020, the District sent a detailed letter to Defendant, providing notice of the dangerous nuisance on the Property.

13. After receiving the October 2020 notice, Defendant had several opportunities to meet with the District to discuss the security improvements needed at the Property. At one such meeting in October 2021, MPD recommended that Defendant obtain armed security personnel to guard and patrol the Property on days and times with high incidents of drug crime and related firearm-activity. Based upon crime analysis, MPD's specifically recommended that Defendant hire at least one off-duty MPD officer or two Special Police Officers ("SPO") to patrol the Property on Sundays through Tuesdays and on Fridays, 12 P.M. through 8 P.M.

14. During and after the October 2021 meeting, Defendant claimed to understand the need to address these pressing security concerns, including promising to disperse and bar the loitering individuals who draw drug and related firearm activity on the Property. Defendant specifically agreed to contract two SPOs during MPD's recommended days and hours. Defendant initially agreed to fulfill this promise by November 15, 2021 before requesting extensions to November 29, 2021 and, again, to an unspecified date in January 2022. On December 20, 2021, Defendants represented in an email to the District that "[o]ur contract with security company will start Jan. 4, 2022."

15. In March 2022—after another violent incident turned a would-be customer into a victim of gun violence—MPD observed that crowds of loiterers remained undispersed in front of the Alabama Plaza businesses. MPD did not observe any SPO or other type of security patrol on the Property when they responded to the incident. Soon thereafter, Defendant confessed that it had

not hired any SPOs despite promising to do so. Defendant then claimed its SPOs would start on April 1, 2022.

16. On April 7, 2022, in response to Defendant's apathy toward the security of community members who visit the Property, and its failure to uphold vital promises to the District resulting in continued nuisance activity, OAG sent Defendant notice pursuant to D.C. Code § 42–3103(b). This notice reiterated the nuisance activity on the Property and demanded that Defendant enact security measures to abate the nuisance activity, such as increasing lighting, maintaining security fencing, improving blighted conditions, hiring security personnel, and issuing and enforcing barring notices.

17. On April 26, 2022, despite Defendant's previous assurance that SPOs would report to the Property on April 1, Defendant provided the District a contract with Metropolitan Tactile Elite Protective Services showing that, at the earliest, SPOs would not patrol the property until May 2, 2022. The contract also provides no coverage for Sundays, a high-risk day identified by MPD's crime analysis. On May 11, 2022, the District contacted Defendant for additional information, but has received no confirmation to date that security personnel patrol the Property.

C. Drug-Related Violence on the Property Adversely Impacts Neighbors and Community Members.

18. Alabama Plaza's neighbors in the Southeast Douglass community have been adversely impacted by the drug-related gun activity on the Property. At the plaza, residents can access food and other provisions in an area that historically suffers from low food access, mobile phones, discount home goods and barbershop services. The plaza is also within a Drug Free Zone, housing the Creative Korner Early Learning Center, a day care, and located within 1000 feet of the AppleTree Institute - Douglass Knoll Campus, an early learning public charter school whose largely African-American and Latin-American students mirror the diversity of the Douglass

community. Yet, children walking to these schools, and community members who access much-needed good and services at the plaza, are exposed to the brazen sale and use of drugs and the overflow of gun violence on the Property.

19. Residents walking to local institutions and landmarks such as the Town Hall Education Arts and Recreation Center, Anacostia Community Museum, and Oxon Run National Park, fear drug activity at the Property and the shooting violence that erupts as a result.

20. Community members frequently report the drug-related activity and related violence at the Property to MPD, Advisory Neighborhood Commissioners, and OAG.

COUNT I

Abatement of a Drug-Related Nuisance (D.C. Code §§ 42-3101 to 3114)

21. The District fully incorporates by reference Paragraphs 1 through 20.

22. There are frequent drugs sales and related firearm activity at the Property. Furthermore, the Property has been used to store drugs. MPD officers have seized drugs from the Property on several occasions and made drug-related arrests on the Property. The Property is therefore a drug-related nuisance as defined by D.C. Code § 42-3101(5)(B).

23. Individuals use the Property to facilitate violations of the Controlled Substance Act (Chapter 9 of Title 48 of the D.C. Code), D.C. Code §§ 48-901.01–48-907.03. The drugs that MPD recovered from the Property are controlled substances under D.C. Code §§ 48-902.01–48-902.14. Violations of the Controlled Substances Act include, but are not limited to, “maintain[ing] any place to manufacture, distribute, or store for the purpose of manufacture or distribution a narcotic or abusive drug.” Distributing or possessing a controlled substance within a Drug-Free Zone is also a violation of the Controlled Substances Act. D.C. Code § 48–904.07a(b). The Property is therefore also a drug-related nuisance under D.C. Code § 42-3101(5)(A).

24. The drug-related activity at the Property has an adverse impact on the community, as defined by D.C. Code §§ 42-3101, *et seq*, due to the daily drug activity and resulting violence.

25. Prior to filing this action, OAG provided Defendant with reasonable notice of the nuisance activity at the Property, as required by D.C. Code § 42-3103(b). Despite receiving several notices from OAG, including two written letters identifying numerous unlawful incidents, and at least two meetings with OAG and MPD to discuss specific security recommendations, Defendant has not addressed the nuisance activity at the Property.

IV. RELIEF REQUESTED

Wherefore, the District of Columbia respectfully requests declaratory and injunctive relief and statutorily authorized damages against the Defendants, as follows:

A. That the Court declare the Property a drug-related Nuisance Property pursuant to Nuisance Act, D.C. Code §§ 42-3101 to 3114;

B. That the Court enter a preliminary and permanent injunction appropriate for Defendant to abate the nuisance by preventing the continuance or recurrence of the drug-related nuisance at the Property;

C. That the Court award the maximum statutory damages per day since Defendant was first notified of the nuisance to be paid by the Defendant into the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Fund pursuant to D.C. Code § 42-3111.01(a);

D. That the Court award the District its attorneys' fees and costs of bringing this action; and

E. That the Court enter any other relief that the Court deems appropriate and necessary to abate the nuisance activity at the Property.

Date: June 2, 2022

Respectfully Submitted,

KARL A. RACINE
Attorney General for the District of Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

/s/
JENNIFER L. BERGER [Bar No. 490809]
Chief, Social Justice Section

/s/
CHRISTOPHER S. PEÑA [Bar No. 888324806]
Assistant Attorney General
400 6th Street NW, 10th Floor
Washington, D.C. 20001
(202) 705-1798 (phone)
Email: Christopher.Penal@dc.gov

Attorneys for the District of Columbia