

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA,
a municipal corporation,
400 6th Street NW
Washington, D.C. 20001

Plaintiff,

v.

JANET KEENAN HOUSING
CORPORATION,

Serve:
David V. Albamonte
Registered Agent
1319 Kalmia Road NW
Washington, D.C. 20012

Defendant.

Case No. 2022 CA 004492 B

**COMPLAINT FOR VIOLATIONS OF THE
NONPROFIT CORPORATION ACT AND COMMON LAW**

The District of Columbia (the “District”), by its Office of the Attorney General, brings this action against Janet Keenan Housing Corporation, a District nonprofit corporation (“JKHC” or the “Corporation”), for violations of the District’s Nonprofit Corporation Act (“NCA”), D.C. Code §§ 29-401.01–29-414.04, and the common law. In support of its claims, the District alleges as follows:

INTRODUCTION

1. JKHC is a District nonprofit organization incorporated in August 2000 to “preserve and promote affordable housing in the District of Columbia.” The Corporation is exempt from federal taxation under Internal Revenue Code Section 501(c)(3). In its federal tax filings, JKHC

describes its sole charitable program as “providing low income housing to residents of [the District of Columbia].”

2. In December 2000, JKHC bought a house located at 1304 Euclid Street NW, Washington, D.C. 20009 (the “Property”). At the time of the acquisition, the Property housed several low-income or formerly homeless individuals. JKHC does not own or operate any other real estate in the District.

3. Since December 2000, the Corporation has owned and maintained the Property in a manner consistent with its stated charitable mission to preserve and promote affordable housing in the District, specifically, by operating the Property as a self-run group home for low-income District residents, as envisioned by the Corporation’s founders and memorialized in JKHC’s organizational documents.

4. The Property currently houses six low-income people.

5. On or around September 12, 2022, the Corporation notified the Property’s residents that it was taking steps to market the Property for sale. The Corporation stated that it was taking this action because the Corporation is unable to continue maintaining the Property.

6. The Property’s low-income occupants cannot afford to buy the Property at market rate.

7. By September 21, 2022, the Property was under contract, and the sale transaction is scheduled to close on October 7, 2022.

8. Upon information and belief, JKHC is not selling the Property to a new owner on the condition that the new owner use the Property to further JKHC’s stated charitable mission, and the buyer currently contracted to purchase the Property will not continue the mission the Property serves today.

9. The Property is a charitable asset within the meaning of D.C. Code § 29-410.03(a). Under this provision, JKHC must therefore obtain prior authorization from the Superior Court before selling or otherwise diverting the Property away from its charitable purpose. This procedure requires JKHC to notify the Attorney General so that the Attorney General has an opportunity to be heard on the proposed transaction.

10. Despite the NCA's clear requirements, and the District's warning that an unauthorized transfer of the Property by JKHC would violate applicable law, the Corporation is advancing efforts to rid itself of the Property. By listing, marketing, and agreeing to sell the Property without first seeking court approval, the Corporation is abusing or exceeding its authority under the law and acting contrary to its nonprofit purpose to preserve and promote affordable housing in the District.

11. Upon information and belief, one of JKHC's directors, John Keenan, has simultaneously served as the Corporation's president and treasurer for the last year, in violation of D.C. Code § 29-406.40(a).

12. The Court should exercise its authority under the NCA and the common law to enter injunctive relief, including preliminary and permanent injunctions, to prevent any further violations of law, remedy the Corporation's flagrant disregard for its nonprofit mission, and ensure that JKHC's governance complies with the NCA's requirements.

PARTIES

13. Plaintiff District of Columbia is a municipal corporation empowered to sue and be sued and is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all

legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1). The Attorney General is specifically authorized to enforce the NCA as provided in D.C. Code § 29-412.20 and has broad powers under the common law to police the activities of nonprofits within the District to ensure that their use of funds meet their public nonprofit purposes.

14. Defendant JKHC is a nonprofit corporation organized in August 2000. The Corporation's nonprofit purpose stated in its articles of incorporation is to "preserve and promote affordable housing in the District of Columbia." The Corporation is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, and it is required to operate exclusively for one or more charitable purposes as defined in the NCA in D.C. Code § 29-401.02(3)–(4)(A).

JURISDICTION

15. This Court has subject matter jurisdiction over this matter under D.C. Code §§ 11-921, 29-412.20(a)(1), and 1-301.81, and the common law.

16. This Court has personal jurisdiction over Defendant under D.C. Code §§ 13-422 and 13-423.

LEGAL FRAMEWORK

17. At their most basic level, nonprofit organizations are set up to benefit the public. Their assets are a form of public trust. Attorneys General, including the District's Attorney General, are by statute and common law charged with policing the nonprofit activities in their jurisdiction to ensure that nonprofits operate and spend their funds in a manner consistent with the public purpose for which the nonprofits were created.

18. The NCA broadly empowers the Attorney General to police nonprofits incorporated under District law. This includes the ability to secure broad injunctive relief whenever

a District nonprofit “has exceeded or abused and is continuing to exceed or abuse the authority conferred on it by law” or “has continued to act contrary to its nonprofit purposes.” D.C. Code § 29-412.20(a)(1)(B)-(C).

19. The NCA requires a nonprofit seeking to engage in a transaction that would divert a charitable asset away from its nonprofit purpose to seek and obtain *cy pres* relief from the Court. D.C. Code § 29-410.03(a). The *cy pres* procedure requires the nonprofit to give notice of the proposed transaction to the Attorney General, who must be afforded an opportunity to be heard by the Court.

FACTUAL ALLEGATIONS

JKHC’s Organization and Acquisition of 1304 Euclid Street NW

20. In 1989, District resident Peter Farina moved into 1304 Euclid Street NW, where he has lived continuously to this day. Prior to that time, Mr. Farina lived in a homeless shelter and worked as a volunteer staff member at the shelter.

21. In 2000, Mr. Farina, Margaret Keenan Albamonte, and David Albamonte, agreed to form a nonprofit corporation for the purpose of purchasing and operating the Property as a group home for low-income or formerly homeless individuals. Ms. Albamonte and other members of the Keenan family incorporated JKHC to achieve this goal.

22. The Corporation’s articles of incorporation state that JKHC’s purpose is to “preserve and promote affordable housing in the District of Columbia.” JKHC’s bylaws adopt the statement of purpose set forth in the Corporation’s articles of incorporation.

23. In its federal tax filings, JKHC describes its sole charitable purpose as “providing low income housing to residents of [the District].”

24. JKHC acquired ownership of the Property on December 21, 2000. On December

20, 2000, the Property's residents entered into a contract with JKHC that governed the use of the Property. The contract included a memorandum of understanding stating that the Property would serve as a self-run group home for low-income individuals.

25. The contract provided that the Property would house six to eight low-income individuals. The residents would not pay rent to the Corporation. The residents and JKHC would share the burden of maintaining the Property in habitable condition, and Mr. Farina was designated to represent the tenants as a member of JKHC's board of directors.

26. The Property has functioned as a group home for low-income or formerly homeless individuals consistent with the founders' intent since the JKHC was formed.

27. In 2002 or 2003, Mr. Farina left JKHC's Board but continued to reside at the Property and represent the tenants' interests to the Corporation.

28. Currently, the Property houses six people, including Mr. Farina. All of its residents are low-income.

29. The Corporation has no members and is governed by six directors, including John Keenan, who has also served as the Corporation's president and treasurer for the last year, and his sister Margaret Keenan Albamonte, who is the Corporation's vice president.

JKHC Announces Its Intent to Sell the Property

30. In April 2022, Mr. Keenan emailed Mr. Farina stating that the Corporation could no longer maintain the Property and therefore had decided to put the Property up for sale. However, the Property was not actively marketed for sale at that time.

31. On or around September 8, 2022, a "Coming Soon" sign was posted outside the Property by Compass Realty.

32. That day, Mr. Keenan sent an email to Mr. Farina notifying the tenants that JKHC's

realtor, Jennifer Touchette of Compass Realty, planned to hold an open house on Saturday, September 17, 2022.

33. That same day, Mr. Keenan and Ms. Albamonte visited the Property to hold an in-person meeting with the Property's residents. Mr. Farina attended the meeting with three other residents. During the meeting, Mr. Keenan and Ms. Albamonte asked the residents to grant access to Ms. Touchette and others in preparation for the upcoming open house and requested that the residents not be present at the Property during the open house.

34. Mr. Keenan's and Ms. Albamonte's statements at the September 12 meeting made it clear that JKHC was soliciting offers from private buyers and not limiting the potential pool of buyers to those who would maintain the Property's use as affordable housing for low-income District residents.

35. During this meeting, Mr. Farina asked what the Corporation intended to do with the proceeds from any sale. Mr. Keenan and Ms. Albamonte stated that JKHC had entered into an agreement with another nonprofit organization named Volunteers of America to donate the proceeds from the Property's sale to that organization to support affordable housing.

36. Volunteers of America is a nonprofit corporation headquartered in Alexandria, VA. According to its website, Volunteers of America provides program services in a variety of areas, including but not limited to affordable housing. Volunteers of America operates, owns, and provides housing facilities across the country, including many outside the District.

37. JKHC has not provided any documentation of the purported agreement with Volunteers of America to Mr. Farina or the District.

38. During the meeting, residents of the Property also inquired whether they would be allowed to continue living at 1304 Euclid Street if the Property was sold. Mr. Keenan stated that

he could not provide any assurances, because the Property's new owner ultimately would decide how the house should be used once it was sold.

39. After the September 12, 2022 meeting concluded, Mr. Keenan and Ms. Albamonte pulled Mr. Farina aside for a conversation away from the other residents present.

40. Mr. Keenan and Ms. Albamonte offered Mr. Farina \$50,000 in cash in exchange for Mr. Farina's agreement to leave the Property voluntarily. Mr. Farina understood this as their effort to dissuade him from exercising any rights he may have under the TOPA so that the sale could proceed quickly. He did not accept the offer.

41. That same day, Mr. Farina contacted the District to report that the Property would be shown to prospective buyers on September 17, 2022, if not earlier.

**JKHC Disregards the District's Attempts to Prevent the
Sale of the Property in Violation of the NCA and Common Law**

42. On September 13, 2022, the District sent a letter to the Corporation requesting that JKHC temporarily halt its efforts to sell the Property (the "Standstill Letter").

43. The Standstill Letter set forth the District's authority to enforce the District's laws governing nonprofit organizations and explained the District's concern that the Corporation lacked authority to divert this charitable asset from its nonprofit purpose without first obtaining judicial authorization. The District requested that the Corporation suspend its efforts until December 31, 2022, to allow the District to engage with JKHC and work toward an amicable resolution of the issues presented by the proposed sale. The District requested that the Corporation confirm no later than September 15, 2022, its agreement to suspend any marketing and sale of the Property.

44. On September 14, 2022, the Corporation, through its counsel, sent an email to the District confirming that it had received the Standstill Letter but did not agree to the District's request.

45. On September 15, 2022, the Corporation informed the District that it would proceed with

an open house scheduled for September 17, 2022.

46. Mr. Farina subsequently alerted the District that the September 17, 2022 open house was cancelled, but an “Under Contract” sign was placed outside of the Property. Mr. Farina learned that the closing date for the Property’s sale is October 7, 2022.

47. On September 19, 2022, the District issued a subpoena for records to JKHC pursuant to its authority under the NCA. The District contacted JKHC’s counsel to request that counsel accept service of the subpoena and asked again for the Corporation to suspend its efforts to sell the Property. To date, the Corporation has not agreed to stand down.

COUNT I
(Unauthorized Diversion of Charitable Asset – D.C. Code § 410.03(a))

48. The foregoing paragraphs are incorporated as though fully stated herein.

49. The NCA provides that “[p]roperty held in trust or otherwise dedicated to a charitable purpose shall not be diverted from its purpose . . . unless the nonprofit corporation obtains an appropriate order from the Superior Court to the extent required by and pursuant to the law of the District on cy pres or otherwise dealing with the nondiversion of charitable assets.” D.C. Code § 29-410.03(a).

50. JKHC was organized for a nonprofit purpose: to preserve and promote affordable housing in the District of Columbia.

51. JKHC has provided affordable housing to District residents since December 2000, when it acquired ownership of 1304 Euclid Street NW and agreed to operate the Property as affordable housing for low-income District residents.

52. The Property is the sole asset JKHC owns, and operating the Property is the sole activity that JKHC has engaged in, to achieve its charitable purpose.

53. The Corporation’s April 2022 decision to list and market the Property, and its

subsequent actions culminating in (to date) JKHC's agreement to sell the Property to an unidentified buyer, all required JKHC to seek prior approval from the Superior Court to divert its sole charitable asset away from its charitable purpose.

54. The Corporation has listed, marketed, and contracted for the sale of the Property—in a transaction that is set to close, upon information and belief, on October 7, 2022—without first seeking an order from this Court authorizing this diversion of a charitable asset from its charitable purpose.

55. The Corporation therefore has violated and is continuing to violate D.C. Code 29-410.03(a).

COUNT II
(Abusing or Exceeding Authority Conferred By Law – D.C. Code § 29-412.20(a)(1)(B))

56. The foregoing paragraphs are incorporated as though fully restated herein.

57. The District's NCA broadly empowers the Attorney General to police nonprofits incorporated under District law. This includes the ability to secure broad injunctive and equitable relief whenever a District nonprofit "has exceeded or abused and is continuing to exceed or abuse the authority conferred on it by law." D.C. Code § 29-412.20(a)(1)(B).

58. By listing, marketing, and agreeing to sell the Property without first seeking and obtaining the Court's approval for the transaction, and ensuring that JKHC's sole charitable asset, or the proceeds therefrom, are not improperly diverted from their nonprofit purpose, the Corporation has abused or exceeded and is continuing to abuse or exceed its authority under the NCA and common law.

59. By listing, marketing, and agreeing to sell the Property, and in so doing, abandoning its established charitable mission to provide affordable housing in the District, JKHC has abused or exceeded and is continuing to abuse or exceed its authority under the NCA and common law.

60. By allowing a single individual person to serve both as the Corporation's president and treasurer, JKHC has abused or exceeded and is continuing to abuse or exceed its authority under the NCA and common law.

COUNT III
(Acting Contrary to Nonprofit Purpose – D.C. Code § 29-412.20(a)(1)(C))

61. The foregoing paragraphs are incorporated as though fully restated herein.

62. The District's NCA broadly empowers the Attorney General to police nonprofits incorporated under District law. This includes the ability to secure broad injunctive and equitable relief whenever a District nonprofit "has continued to act contrary to its nonprofit purposes." D.C. Code § 29-412.20(a)(1)(C).

63. By listing, marketing, and agreeing to sell the Property, which currently serves as affordable housing for low-income District residents, without first seeking and obtaining the Court's approval for the transaction, and by failing to ensure that JKHC's sole charitable asset, or the proceeds therefrom, are not improperly diverted from their nonprofit purpose, the Corporation has and is continuing to act contrary to its stated charitable mission to preserve and promote affordable housing in the District. By contracting to sell the Property, JKHC has abandoned its stated charitable mission, thus acting contrary to its nonprofit purpose.

COUNT IV
(Common Law Violations)

64. The foregoing paragraphs are incorporated as though fully restated herein.

65. The Attorney General has broad common law authority to ensure that the governance and funds of a District charitable corporation are exercised and used in ways that benefit the public and that charitable funds are not wasted, used for private inurement, or otherwise used in a manner incompatible with its nonprofit purpose,

66. Under the common law governing charitable organizations, JKHC is required to act in accordance with its organizational documents, including without limitation, its articles of incorporation and bylaws.

67. By listing, marketing, and agreeing to sell the Property, and divert this charitable asset away from its stated nonprofit mission to preserve and promote affordable housing in the District, failing to ensure that the sale's proceeds (if authorized) will further JKHC's nonprofit mission, and abandoning its established charitable mission, JKHC has violated the common law.

68. By allowing a single person to serve both as the Corporation's president and treasurer, JKHC has violated the common law.

PRAYER FOR RELIEF

The District requests that this Court:

- a. Enjoin JKHC's sale or other conveyance of the Property, or otherwise enjoin JKHC from entering into any binding agreement concerning the use of the Property that would contravene JKHC's current and prior uses of the Property;
- b. Appoint a receiver or other Court-supervised official on a provisional or permanent basis to ensure the Property's continued availability to serve as housing for low-income District residents and JKHC's continued adherence to its charitable purpose, and to re-form JKHC's board of directors;
- c. Impose a constructive trust or other equitable monetary relief over nonprofit funds improperly obtained by the Corporation or any other individuals in violation of District law; and
- d. Order such other injunctive or equitable relief as the Court determines to be just and proper in light of the factual record presented to the Court.

Date: September 30, 2022

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

/s/ Adam Gitlin
ADAM GITLIN*
Chief, Public Integrity Section

/s/ Tabitha Bartholomew
TABITHA BARTHOLOMEW [1044448]
Assistant Attorney General
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 724-5029 (office)
(202) 741-0431 (fax)
tabitha.bartholomew@dc.gov

Attorneys for the District of Columbia

* Admitted to practice only in California and New York. Practicing in the District of Columbia under the direct supervision of Kathleen Konopka, a member of the D.C. Bar, pursuant to D.C. Court of Appeals Rule 49(c).

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

Case Number:

District of Columbia

2022 CA 004492 B

vs

Date: SEPT 30, 2022

Janet Keenan Housing Corporation

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

Name: (Please Print) TABITHA BARTHOLOMEW	Relationship to Lawsuit
Firm Name: OFFICE OF ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: 202-724-5029 Six digit Unified Bar No.: 1044448	<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, |
| <input type="checkbox"/> 10 Traffic Adjudication | Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 31 Housing Code Regulations |
| <input checked="" type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 32 Qui Tam |
| | <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 |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as | [Rule 28-I (b)] |
| <input type="checkbox"/> 08 Foreign Judgment/International | Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 13 Correction of Birth Certificate | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1) |
| <input type="checkbox"/> 14 Correction of Marriage | <input type="checkbox"/> 20 Master Meter (D.C. Code § | (Perpetuate Testimony) |
| Certificate | 42-3301, et seq.) | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | <input type="checkbox"/> 25 Petition for Liquidation |
| <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/ Tabitha Bartholomew

Attorney's Signature

Sept. 30, 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

Vs.

C.A. No. 2022 CA 004492 B

JANET KEENAN HOUSING CORPORATION

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) This case is assigned to the judge and 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.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of service on each defendant of copies of (a) the summons, (b) the complaint, and (c) this Initial Order and Addendum. The court will dismiss the claims against any defendant for whom such proof of service has not been filed by this deadline, unless the court extended the time for service under Rule 4(m).

(3) Within 21 days of service (unless otherwise provided in Rule 12), each defendant must respond to the complaint by filing an answer or other responsive pleading. The court may enter a default and a default judgment against any defendant who does not meet this deadline, unless the court extended the deadline under Rule 55(a).

(4) At the time stated below, all counsel and unrepresented parties shall participate in a remote hearing to establish a schedule and discuss the possibilities of settlement. Counsel shall discuss with their clients **before** the hearing 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 hearing.**

(5) If the date or time is inconvenient for any party or counsel, the Civil Actions Branch may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. To reschedule the hearing, a party or lawyer may call the Branch at (202) 879-1133. Any such request must be made at least seven business days before the scheduled 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 Anita M. Josey-Herring

Case Assigned to: Judge HIRAM E PUIG-LUGO

Date: October 3, 2022

Initial Conference: **REMOTE HEARING - DO NOT COME TO COURTHOUSE**
SEE REMOTE HEARING INSTRUCTIONS ATTACHED TO INITIAL ORDER

9:30 am, Friday, December 30, 2022

Location: Courtroom 318

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

D.C. Code § 16-2821, which part of the Medical Malpractice Proceedings Act of 2006, provides, "[a]fter 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."

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. 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. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. Unrepresented plaintiffs who elect not to eFile must either mail the form to the Multi-Door Dispute Resolution Office at, Suite 2900, 410 E Street, N.W., Washington, DC 20001, or deliver it in person if the Office is open for in-person visits.

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. 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 people are required by D.C. Code § 16-2824 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.

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 unrepresented may mail the form to the Civil Actions Branch at [address] or deliver it in person if the Branch is open for in-person visits. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Anita M. Josey-Herring

Civil Remote Hearing Instructions for Participants

The following instructions are for participants who are scheduled to have cases heard before a Civil Judge in a **Remote Courtroom**

Option 1: (AUDIO ONLY/Dial-in by Phone):

Toll 1 (844) 992-4762 or (202) 860-2110, enter the Meeting ID from the attachment followed by #, press again to enter session.

- Please call in no sooner than 5 minutes before your scheduled hearing time. Once you have joined the session, please place your phone on mute until directed otherwise. If you should happen to get disconnected from the call, please call back in using the phone number and access number provided and the courtroom clerk will mute your call until the appropriate time.*

If you select **Option 2** or **Option 3** use the **Audio Alternative**

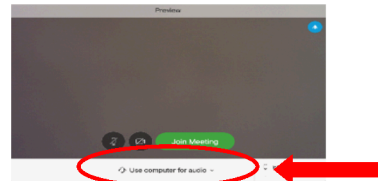
Option 2: (LAPTOP/ DESKTOP USERS 1):

Open Web Browser in Google Chrome and copy and paste following address from the next page:
<https://dccourts.webex.com/meet/XXXXXXXXXX>

Option 3: (LAPTOP/ DESKTOP USERS 2):

Open Web Browser in Google Chrome and copy and paste following address
<https://dccourts.webex.com> Select **Join**, enter the Meeting ID from the next page

AUDIO ALTERNATIVE: Instead of automatically using **USE COMPUTER FOR AUDIO**, select **CALL-IN** and follow the **CALL-IN** prompt window. Use a cell phone or desk phone. You will be heard clearer if you **do not** place your phone on SPEAKER. It is very important that you enter the **ACCESS ID #** so that your audio is matched with your video.



Option 4: (Ipad/SMART PHONE/TABLET):

- Go to App Store, Download WebEx App (Cisco WebEx Meetings)
- Sign into the App with your Name and Email Address
- Select Join Meeting
- Enter address from the next page: <https://dccourts.webex.com/meet/XXXXXXXXXX>
- Click join and make sure your microphone is muted and your video is unmuted (if you need to be seen). If you only need to speak and do not need to be seen, use the audio only option.
- When you are ready click "Join Meeting". If the host has not yet started the meeting, you will be placed in the lobby until the meeting begins.

For Technical Questions or issues Call: (202) 879-1928, Option #2

Superior Court of the District of Columbia
Public Access for Remote Court Hearings
(Effective August 24, 2020)

The current telephone numbers for all remote hearings are: 202-860-2110 (local) or 844-992-4726 (toll free). After dialing the number, enter the WebEx Meeting ID as shown below for the courtroom. Please click a WebEx Direct URL link below to join the hearing online.

Audio and video recording; taking pictures of remote hearings; and sharing the live or recorded remote hearing by rebroadcasting, live-streaming or otherwise are not allowed

Division	Courtroom	Types of Hearings Scheduled in Courtroom	Public Access via WebEx	
			WebEx Direct URL	WebEx Meeting ID
Auditor Master	206	Auditor Master Hearings	https://dccourts.webex.com/meet/ctbaudmaster	129 648 5606
Civil	100	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb100	129 846 4145
	205	Foreclosure Matters	https://dccourts.webex.com/meet/ctb205	129 814 7399
	212	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb212	129 440 9070
	214	Title 47 Tax Liens; and Foreclosure Hearings	https://dccourts.webex.com/meet/ctb214	129 942 2620
	219	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb219	129 315 2924
	221	Civil 1 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb221	129 493 5162
	318	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb318	129 801 7169
	320	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb320	129 226 9879

400	Judge in Chambers Matters including Temporary Restraining Orders, Preliminary Injunctions and Name Changes	https://dccourts.webex.com/meet/ctb400	129 339 7379
415	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb415	129 314 3475
516		https://dccourts.webex.com/meet/ctb516	129 776 4396
517		https://dccourts.webex.com/meet/ctb517	129 911 6415
518		https://dccourts.webex.com/meet/ctb518	129 685 3445
519		https://dccourts.webex.com/meet/ctb519	129 705 0412
JM-4		https://dccourts.webex.com/meet/ctbjm4	129 797 7557
A-47	Housing Conditions Matters	https://dccourts.webex.com/meet/ctba47	129 906 2065
B-52	Debt Collection and Landlord and Tenant Trials	https://dccourts.webex.com/meet/ctbb52	129 793 4102
B-53	Landlord and Tenant Matters including Lease Violation Hearings and Post Judgment Motions	https://dccourts.webex.com/meet/ctbb53	129 913 3728
B-109	Landlord and Tenant Matters	https://dccourts.webex.com/meet/ctbb109	129 127 9276
B-119	Small Claims Hearings and Trials	https://dccourts.webex.com/meet/ctbb119	129 230 4882