

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA, Plaintiff, v. NICOLE FREEMAN SMITH, Defendant.	Case No.: 2021 CA 003262 B Judge Robert Rigsby
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**JUDGMENT AND CONSENT ORDER FOR MONETARY AND
INJUNCTIVE RELIEF**

This Consent Order (Order) is entered into between Plaintiff District of Columbia (the District) and Defendant Nicole Freeman Smith to resolve the above-captioned case. The District and Defendant (collectively, the Parties) agree to the entry of this Order.

I. THE PARTIES

1. Plaintiff District of Columbia, a municipal corporation, 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 is responsible for upholding the public interest and is also specifically authorized to enforce the District’s Abuse, Neglect and Financial Exploitation of Vulnerable Adults and Elderly Persons Act (the Act).

2. Defendant Nicole Freeman Smith is an individual whose last known address is 10909 Melwood Park Place, Upper Marlboro, MD 20772.

II. FACTUAL AND PROCEDURAL HISTORY

3. The District filed an Amended Complaint against Defendant on December 8, 2021¹,

¹ The District filed its original Complaint on September 16, 2021.

alleging that Defendant violated the District’s Abuse, Neglect and Financial Exploitation of Vulnerable Adults and the Elderly Act (the Act) by using theft, fraud, and deception to financially exploit J.G. and M.W., two vulnerable, elderly District residents.² The District sought monetary and injunctive relief.

4. Defendant filed an Answer on June 7, 2022, denying the District’s allegations.

5. On November 11, 2022, the District filed a Motion for Summary Judgment as to Liability.

6. On June 29, 2023, this Court granted the District’s motion for summary judgment on liability, finding that Defendant violated D.C. Code §22-933.01 of the Act when Defendant used theft, fraud, and deception to financially exploit J.G. and M.W.

III. THE PARTIES’ AGREEMENT

7. To resolve this case without further litigation, the Parties agree to settle all remaining aspects in this matter. The Parties voluntarily agree to the entry of this Order without adjudication of any outstanding questions of law or fact, remedies, or attorneys’ fees, and as a full and final compromise settlement of all claims that the District brought or could have brought under the Act based on the facts alleged in the Amended Complaint filed in Case No. 2021 CA 003262 B.

IV. MONETARY PROVISIONS

9. The Parties consent to the entry of a judgment in favor of the District in the total amount of \$157,350.50, of which Defendant shall pay \$94,701 in restitution and \$62,649.50 in civil penalties (Settlement Amount). Payments are due and owing on the schedule described below.

10. Within 60 days from the date of the entry of this Order, Defendant shall make an initial payment of \$70,000. Following the first lump sum payment, and no later than 180 days after

² Both J.G. and M.W. died in the fall of 2022.

the date of the entry of this Order, Defendant shall pay the remaining balance of \$87,350.50.

11. Defendant shall make payments by wire transfer, money order, cashier's check, or attorney trust account checks payable to the D.C. Treasurer. The District will provide check or wire instructions after the entry of this Order.

12. Defendant, at her discretion, may accelerate her payments, and the entire amount may be paid in full at any time.

13. The District shall apply payments to the award for restitution until it is satisfied in full before applying Defendant's payments to toward the award for civil penalties. Restitution payments will be applied to the Vulnerable Adult and Elderly Person Exploitation Restitution Fund for distribution to the respective estates of J.G. and M.W.

V. INJUNCTIVE TERMS

14. Defendant shall be enjoined from engaging in employment with entities whose focus is to serve elderly persons or vulnerable adults for a period of fifteen (15) years from date of entry of the Consent Order.

15. Defendant shall provide notice to the District of her employment in any capacity with any residential property for ten (10) years from date of entry of the Consent Order. Defendant shall provide such notice to Monique Gudger, Assistant Attorney General, Alicia Lendon, Chief or another designee of the Civil Rights and Elder Justice Section of the Office of the Attorney General at the address listed in Paragraph 20, above.

16. Defendant shall be permanently enjoined from serving as fiduciary for any vulnerable adult or elderly person, as defined by D.C. Code § 22-932, with exception of Defendant's spouse.

17. Defendant shall not financially exploit any vulnerable adults or elderly persons in

violation of the District's Abuse, Neglect and Financial Exploitation of Vulnerable Adults and the Elderly Act, D.C. Code § 22-933.01.

VI. DEFAULT

18. In the event that Defendant fails to pay the Settlement Amount in accordance with the schedule agreed to by the terms in Paragraph 10, Defendant consents to the entry of judgment in the amount of the remainder of the monies owed, plus attorney's fees and court costs incurred as a result of her default.

VII. ADDITIONAL TERMS

19. This Order represents the full and complete terms of the Parties' settlement agreement.

20. This Order shall be considered effective and fully executed on the date that the Court enters this Order. This Order may be executed in counterparts, and copies of signature pages transmitted electronically shall have the same effect as originals of those signature pages. All notices under this Order shall be provided to the following address by first-class and electronic mail, unless a different address is specified in writing by the party changing such address:

For the District:

Alicia Lendon, Section Chief
Monique Gudger
Assistant Attorney General
Public Advocacy Division
Civil Rights & Elder Justice Section
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 442-9881
(202) 247-6686 (mobile)
Monique.Gudger@dc.gov

For Defendant Nicole Freeman Smith:

Raymond Jones
800 Connecticut Ave., NW
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Washington, D.C. 20006
202-509-9788
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rjones@attorneyrayjones.com

FOR THE DISTRICT OF COLUMBIA:

BRIAN L. SCHWALB
Attorney General for the District of Columbia

By: 
ALICIA M. LENDON
Chief, Civil Rights & Elder Justice Section
Public Advocacy Division

Dated: 08/22/23

FOR DEFENDANT:


NICOLE FREEMAN SMITH

Dated: 8/18/23

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated

The Honorable Robert Rigsby
Judge, Superior Court of the District of Columbia