

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

DORETHA BARBER,
1870 Alabama Avenue SE
Washington, D.C. 20020,

Plaintiff,

v.

DISTRICT OF COLUMBIA,
c/o Office of the Attorney General
441 4th Street NW
Washington, D.C. 20001,

Defendant.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
(Disability Discrimination under D.C. Human Rights Act)

INTRODUCTION

Plaintiff Doretha Barber asserts her right under the disability discrimination provisions of the District of Columbia Human Rights Act to keep her job as a sanitation worker at the D.C. Department of Public Works (“DPW”) while using her doctor-approved medication that ameliorates her debilitating back pain and has no effect on her work performance.

Ms. Barber suffers from degenerative disc disease. The condition regularly causes her to experience back spasms that leave her unable to walk, stand, or lift, and triggers migraines so painful that they often bring her to tears. When traditional treatments for Ms. Barber’s back proved inadequate, her primary care physician suggested she consider using medical marijuana. An authorized provider recommended Ms. Barber for the District’s medical marijuana program in fall 2018. Ms. Barber has found that the medication significantly improves her condition.

Ms. Barber has never used marijuana at work or come to work impaired. Nor does she seek to do so. Instead, she asks only that DPW excuse her from its rules that prohibit her from using medical marijuana at home. DPW has refused to do so. It also denied other reasonable accommodation requests that she made.

DPW has placed Ms. Barber on forced leave and she is not receiving pay. Additionally, DPW has made clear that if she cannot pass a urinalysis test when she returns to work, she will lose her job. DPW's conduct has caused Ms. Barber great hardship. She files this action to secure a return to work and obtain compensation for the harms wrought by DPW's unlawful refusal to accommodate her disability.

JURISDICTION

1. This Court has subject matter jurisdiction over this action pursuant to D.C. Code § 1-204.31(a) which vests the Court with “jurisdiction of any civil action or other matter (at law or in equity) brought in the District.”
2. Ms. Barber's claims arise under the D.C. Human Rights Act (DCHRA), D.C. Code § 2-1401.01 *et seq.* She files them pursuant to D.C. Code § 2-1403.16(a), which provides that “[a]ny person claiming to be aggrieved by an unlawful discriminatory practice shall have a cause of action in a court of competent jurisdiction for damages and such other remedies as may be appropriate.”
3. The notice requirement of D.C. Code § 12-309 does not apply to any action brought against the District of Columbia under the Human Rights Act. D.C. Code § 2-1403.16(c).
4. Ms. Barber has no duty to exhaust administrative remedies before the Court may hear her complaint. *See* D.C. Code § 2-1403.16(b); *Davis v. District of Columbia*, 949 F. Supp. 2d 1,

13 (D.D.C. 2013) (citing § 2-1403.16(b) for the proposition that the DCHRA does not contain an exhaustion requirement).

PARTIES

5. Plaintiff Doretha Barber is a D.C. resident who lives at 1870 Alabama Avenue SE, Washington D.C. 20020.
6. Defendant District of Columbia is a municipal corporation, the local government of Washington, D.C., and operates and governs the D.C. Department of Public Works pursuant to the laws of the District of Columbia. In this case, the District of Columbia acted through its departments, agents, employees, and servants, including the D.C. Department of Public Works and its officials and agents.

FACTS

7. Ms. Barber is a lifelong D.C. resident who raised four children as a single mother.
8. Ms. Barber was born with scoliosis (a sideways curvature of the spine) and has suffered from back problems her entire life.
9. Ms. Barber was diagnosed with degenerative disc disease in January 2014.
10. Ms. Barber's back condition causes her to experience spasms that reverberate through her lower back, up her spine, into her neck, and through her cranium.
11. The spasms wake her up in the middle of the night and, untreated, prevent her from walking, standing, or lifting.
12. Her back condition also prompts migraines that make it difficult for Ms. Barber to lift her head and are so painful that they have often brought her to tears.
13. Ms. Barber's back condition has caused her to miss significant amounts of work during her time as an employee at the Department of Public Works.

14. To treat Ms. Barber’s disability, her doctors prescribed Flexeril, but that medication had the side effect of making her drowsy—so drowsy that she often had to miss work.
15. Her doctors also prescribed prescription-strength ibuprofen.
16. Ms. Barber found that the ibuprofen made her spasms less painful, but only when she took a dosage that her primary care physician, Dr. Maurice Wright, deemed dangerous given her bodyweight.
17. Dr. Wright suggested that Ms. Barber consider medical marijuana as a way of treating her back condition.
18. In fall 2018, Ms. Barber met with Evette Hernandez, a medical provider authorized under D.C. law to recommend medical marijuana to qualifying patients. Hernandez recommended that Ms. Barber use medical marijuana to treat her back condition.
19. Ms. Barber possesses a medical marijuana card and is enrolled in the District’s Medical Marijuana Program, *see* D.C. Code § 7-1671.01 to 7-1671.13, which gives her the right under District of Columbia law to obtain and use medical marijuana.
20. Ms. Barber adopted a routine whereby she consumed medical marijuana each day after work, stopping her consumption by around 10 pm, well before the start of her shift, which is around 6:30 am.
21. She has never consumed medical marijuana at work, nor has she ever come to work impaired.
22. Ms. Barber’s use of medical marijuana has significantly improved her condition. The medication has caused her to experience spasms less frequently.
23. The spasms that Ms. Barber still suffers are generally less painful than the ones she experienced when she was not using medical marijuana. They generally do not prevent her from walking,

standing, or lifting. And the medical marijuana allows Ms. Barber to sleep through the night, rather than waking up due to pain, as she did when she was not using the medication.

24. Medical marijuana also ameliorates Ms. Barber's migraines. While she continues to have headaches with her spasms, they are less painful and do not prevent her from lifting her head.
25. Ms. Barber first began working at DPW in 2009, when she accepted a temporary job as an RW-05 office assistant. The role required her to perform administrative tasks such as managing payments to employees in the District's PeopleSoft payment system and recording employees' route assignments.
26. She transferred to a position as an RW-04 Sanitation Worker in 2013 because the job, although a grade lower, was a step higher. The new position paid \$3 more per hour and was a permanent position, unlike the office assistant role.
27. Ms. Barber's responsibilities as a sanitation worker include raking leaves, trash, and other debris from the District's streets and alleyways and salting walkways during the winter.
28. Ms. Barber's job description does not include driving a vehicle.
29. Ms. Barber does not use power machinery, such as leaf blowers or power tools, as part of her job as a sanitation worker.
30. Sometime after Columbus Day (October 8), 2018, Ms. Barber asked a DPW official, whom she recalls having been Jerry Stanback, DPW's Associate Administrator, to temporarily detail her to an office position from November through January because doing so would help with her back condition.
31. This period, often referred to by DPW employees as "leaf season," is particularly grueling because it involves bending over to rake piles of leaves which are often weighed down by water or ice.

32. This work increases Ms. Barber's back pain even when she uses medical marijuana.
33. Mr. Stanback knew that Ms. Barber was born with scoliosis and suffered from a serious back condition at the time she made this request.
34. Additionally, Ms. Barber had informed DPW about her back condition as early as 2014 or 2015 when she asked for medical leave to treat that disability.
35. The official with whom Ms. Barber spoke in October 2018 responded to Ms. Barber's request by stating that, because she worked as a sanitation worker, she had to remain in the field.
36. The official did not offer to investigate whether DPW had any job openings for office workers. Nor did the official propose any alternative accommodations or invite Ms. Barber to meet to discuss her accommodation request further.
37. The official never discussed Ms. Barber's request for accommodation with her again.
38. DPW regularly hires temporary clerical workers, sanitation workers, and other temporary employees to work from November to January to meet the increased demands that arise during leaf season.
39. Indeed, in 2016 or 2017, DPW assigned Ms. Barber to temporarily perform clerical duties during leaf season. During that period, she entered payroll and performed other administrative tasks. After leaf season ended, Ms. Barber returned to her regular duties as a sanitation worker.
40. On information and belief, DPW hired temporary clerical workers during leaf season 2018.
41. Additionally, on October 8, 2018, there existed three open clerical assistant positions in DPW, all of which were grade-level five.
42. Because Ms. Barber had worked in a grade-level five clerical role at DPW from 2009 to 2013 before voluntarily transferring to her sanitation worker position, and because she temporarily

performed clerical duties during the period when she was working as a sanitation worker, she was qualified for these positions.

43. DPW has also permitted other people with titles similar to Ms. Barber’s to perform office tasks.

44. For example, according to DPW’s February 2019 response to the D.C. Council’s performance oversight questions, the job titles of Jessie Denise Leocadio, Dana Roach, and Lisa Payton are, respectively, “motor vehicle operator,” “sanitation worker,” and “sanitation worker.” DEPARTMENT OF PUBLIC WORKS, PERFORMANCE OVERSIGHT QUESTIONS, App. at 19, 23, 24, (Feb. 2019), at <https://dccouncil.us/wp-content/uploads/2019/02/dpw.pdf>. On information and belief, all three individuals are primarily, if not exclusively, responsible for performing clerical and administrative responsibilities in DPW offices. On information and belief, none of them has a disability.

45. Ms. Barber experienced significant amounts of back pain during leaf season 2018.

46. She informed her immediate supervisor of her back pain. He told her that she could sit in one of DPW’s trucks when she experienced pain, but warned her that if anyone else saw her, she would be sent home without pay.

47. Even when Ms. Barber took time to rest in the truck—doing so carefully to avoid detection—she still felt increased pain in her back due to the heavy physical work required of her during leaf season.

48. Nonetheless, Ms. Barber continued executing her duties during leaf season.

49. DPW did not discipline or reprimand Ms. Barber at any point during leaf season 2018.

50. In June 2019, Barber learned that DPW would begin requiring employees in positions designated safety sensitive to submit to random drug and alcohol testing—a policy it had announced the prior year but yet to implement.

51. DPW uses a urinalysis test that assesses the presence of marijuana metabolites (and metabolites of other drugs) in employees' urine.
52. The urinalysis test does not test for or disclose whether the employee is impaired at the time of submitting the sample.
53. People who are completely unimpaired when they give a sample will still test positive for marijuana if they have consumed marijuana within days, or even weeks, of the test.
54. Ms. Barber, and other medical marijuana cardholders like her, would not test negative unless they stopped using medical marijuana altogether.
55. In a statement presented to D.C. Councilmember Mary Cheh, and read during a June 18, 2019 D.C. Council hearing, DPW Acting Director Chris Geldart made clear that DPW would not, under any circumstances, permit an employee who was using medical marijuana to remain in a position it designated as safety sensitive.
56. According to the District's personnel manual, DPW has classified all its sanitation worker positions as safety sensitive.
57. However, a July 2019 job posting for a sanitation worker position in the District government did not classify the role as safety sensitive.
58. Vendors that perform drug tests on behalf of District agencies must follow "all procedures stated in 49 CFR Part 40 and District government procedures, as applicable, for all drug and alcohol testing for applicants and employees." 6-B DCMR § 425.1. The cited provisions of the Code of Federal Regulations permit vendors to test for only five categories of drugs, *see* 49 CFR § 40.85, excluding benzodiazepines, antihistamines, and other types of medications that can affect work performance. Ms. Barber is aware of no "District government procedure" that allows or requires vendors to test for drugs other than the ones listed in 49 CFR § 40.85.

59. On June 25, 2019, Ms. Barber went to the office of DPW's Human Capital Administration to disclose her possession of a medical marijuana card.
60. Once there, she was referred to Dejuan Hogan, a substance abuse specialist who works in Human Capital Administration.
61. Ms. Barber informed Mr. Hogan of her status and explained that she was born with scoliosis, suffered from back spasms, and used medical marijuana to treat her condition.
62. Mr. Hogan told Ms. Barber that she needed to find an alternative medication. Ms. Barber responded that she had tried alternatives and they didn't work.
63. In early July 2019, Ms. Barber received a letter from DPW stating that she could not resume her duties as a sanitation worker until she passed a drug test.
64. The letter said that Ms. Barber had to attend substance abuse counseling.
65. Ms. Barber did not (and does not) have a substance abuse problem.
66. The letter stated that while Ms. Barber participated in substance abuse treatment, she could not continue working but that she could take paid leave for the period and, when that expired, unpaid leave.
67. Ms. Barber had little to no paid leave remaining when she received the letter. As a result, she went on unpaid leave in mid-July 2019.
68. Shortly after receiving the letter, Ms. Barber contacted Mr. Hogan, explained that she needed a paycheck, and asked if there was something else she could do.
69. Mr. Hogan responded that there were no positions in which he could place her.
70. At or around the time Ms. Barber made her request, there were four vacant clerical assistant positions in DPW, all of which were designated grade-level five.

71. Because Ms. Barber had worked in a grade-level five clerical role at DPW from 2009 to 2013 before voluntarily transferring to her sanitation worker position, and because she temporarily performed clerical duties during the period when she was working as a sanitation worker, she was qualified for these positions.
72. Mr. Hogan did not explain how he determined that no openings existed or offer to revisit the matter if a position for which Ms. Barber qualified became available. He also did not offer to help transfer her to a position in a different government agency if she could identify one for which she was qualified. Nor did he indicate that DPW would consider allowing her to continue using medical marijuana at home after work, provided that she report to duty unimpaired.
73. In order to enable herself to pass a drug test, Ms. Barber stopped regularly using medical marijuana in late July. She has only taken the medication once in the intervening months.
74. Since ceasing her usage of medical marijuana, Ms. Barber has experienced more severe spasms than she did when she was regularly using medical marijuana.
75. Ms. Barber has not received a full paycheck from DPW since mid-July 2019.
76. Although Ms. Barber found part-time employment and has received support from her partner, she still has experienced severe financial distress during this period—falling behind on car payments, overdrawing her checking account, and skipping meals.
77. Ms. Barber was able to fulfill her responsibilities as a sanitation worker when she was using medical marijuana off-duty.
78. Ms. Barber has never been suspended, reprimanded, or otherwise disciplined at DPW for her work performance, save for one incident that was ultimately resolved in her favor after her union intervened.

79. District regulations require DPW to provide its supervisors “training in drug abuse detection and recognition, documentation, intervention, and any other appropriate topics.” 6-B DCMR § 434.1.
80. No supervisor has ever accused Ms. Barber of coming to work impaired or using medical marijuana on her employer’s property.
81. She has never done so.
82. If DPW accommodated Ms. Barber’s disability by assigning her to an office job, or by allowing her to use medical marijuana at home after work while continuing to work as a sanitation worker, she would be able to perform the responsibilities of her job without suffering the frequent, disabling pain that she experiences without that medication.

CLAIMS FOR RELIEF

D.C. Human Rights Act

I. Denial of Reasonable Accommodation in October 2018

83. The District of Columbia Human Rights Act (DCHRA) requires that employers make reasonable accommodations for otherwise qualified employees with disabilities. D.C. Code § 2-1402.11(a); *Barrett v. Covington & Burling LLP*, 979 A.2d 1239, 1250 (D.C. 2009).
84. In October 2018, Ms. Barber requested a reasonable accommodation for her back condition in the form of a temporary transfer to a clerical role. Because Ms. Barber’s back condition qualifies as a disability and because, with the benefit of an accommodation, she can perform the essential responsibilities of a clerical position, DPW violated its obligations under the DCHRA by refusing to grant Ms. Barber a reasonable accommodation in response to her October 2018 request.

II. Denial of Reasonable Accommodation Since July 2019

85. In July 2019, the District denied Ms. Barber reasonable accommodation for her disability by making clear that, as a matter of policy, she cannot remain in her role as a sanitation worker as long as she uses medical marijuana as a treatment. The District then refused to accommodate her or engage her in an interactive process when she expressly requested an accommodation from DPW Human Resource Administration official Dejuan Hogan. Ms. Barber remains unaccommodated today. Because Ms. Barber's back condition qualifies as a disability and because she can perform the responsibilities of a job she holds or desires with accommodation, DPW's failure to accommodate her has violated her rights under the DCHRA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Barber requests that this Court:

- (a) RULE that the Defendant District of Columbia violated Plaintiff's rights under the DCHRA by denying her October 2018 reasonable accommodation request;
- (b) RULE that the Defendant District of Columbia violated Plaintiff's rights under the DCHRA by denying her a reasonable accommodation in July 2019 and is continuing to violate her rights under the DCHRA by denying her a reasonable accommodation since that time;
- (c) ORDER the Defendant District of Columbia to accommodate Plaintiff Barber's disability by allowing her to resume work as an RW-4 Sanitation Worker or by allowing her to work in another position for which she is qualified, and by excusing her from any rule or policy that would prevent her from remaining in such a position, or otherwise penalizing her, for using medical marijuana outside of work hours, so long as she remains in the District of Columbia's Medical Marijuana Program and so long as she does not report to work impaired;

- (d) ENTER JUDGMENT awarding Plaintiff Barber back pay and other compensatory damages against the District of Columbia in an amount appropriate to the evidence adduced at trial;
- (e) ENTER JUDGMENT awarding Plaintiff Barber her costs and reasonable attorneys' fees in this action as provided in D.C. Code §§ 2-1403.16(b) & 2-1403.13(a); and
- (f) GRANT Plaintiff Barber such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

Respectfully submitted,

/s/ Scott Michelman

Scott Michelman (D.C. Bar No. 1006945)

Michael Perloff (D.C. Bar No. 1601047)

Arthur B. Spitzer (D.C. Bar No. 235960)

American Civil Liberties Union Foundation

of the District of Columbia

915 15th Street NW, Second Floor

Washington, D.C. 20005

(202) 457-0800

mperloff@acludc.org

October 4, 2019

Counsel for Plaintiff



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

Doretha Barber

Plaintiff

vs.

Case Number _____

District of Columbia c/o Office of the Attorney General of the District of Columbia

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.

Scott Michelman

Clerk of the Court

Name of Plaintiff's Attorney

915 15th Street NW

By _____

Address

Deputy Clerk

Washington, D.C. 20005

202-601-4267

Date _____

Telephone

如需翻译,请打电话 (202) 879-4828

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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.

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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

Doretha Barber

Demandante

contra

Número de Caso: _____

District of Columbia c/o Office of the Attorney General of the District of Columbia

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.

Scott Michelman
Nombre del abogado del Demandante

SECRETARIO DEL TRIBUNAL

915 15th Street NW
Dirección
Washington D.C. 20005

Por: _____
Subsecretario

202-601-4267
Teléfono

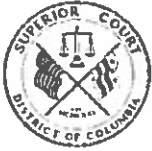
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반영통역전화 (202) 879-4828 電話翻譯中心 የአማርኛ ትርጉም ለግዛቶች (202) 879-4828 ይ.ደ.ወ.ሉ

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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Doretha Barber

Plaintiff

vs.

Case Number _____

District of Columbia c/o Mayor of the District of Columbia

Defendant

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Scott Michelman

Clerk of the Court

Name of Plaintiff's Attorney

915 15th Street NW

By _____

Address

Washington, D.C. 20005

Deputy Clerk

202-601-4267

Date _____

Telephone

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Doretha Barber
 Demandante

contra

Número de Caso: _____

District of Columbia c/o Mayor of the District of Columbia
 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.

Scott Michelman
 Nombre del abogado del Demandante

SECRETARIO DEL TRIBUNAL

915 15th Street NW
 Dirección
Washington D.C. 20005

Por: _____
 Subsecretario

202-601-4267
 Teléfono

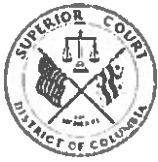
Fecha _____

如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có mặt bản dịch, hãy gọi (202) 879-4828
 如需翻译, 请打电话 (202) 879-4828 如需翻译, 请打电话 (202) 879-4828 የአገርኛ 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



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

Case No. _____

COMPLAINT

Jurisdiction of this Court is founded on D.C. Code § 11-921.

Doretha Barber

PLAINTIFF

1870 Alabama Street SE

Address (No Post Office Boxes)

Washington D.C. 20020

City State Zip Code

202-601-4278

Telephone Number

Email Address (optional)

District of Columbia c/o Office of the Attorney General

DEFENDANT

441 4th Street NW

Address (No Post Office Boxes)

Washington D.C. 20001

City State Zip Code

(202) 727-3400

Telephone Number

Email Address (optional)

vs

1. Write a short and plain statement of your claim, including any relevant facts, dates, and locations:

See enclosed document

2. What relief are you requesting from the Court? Include any request for money damages.

See enclosed document

3. State any other information, of which the Court should be aware:

See enclosed document

SIGNATURE

To the best of my knowledge, everything in this Complaint is true and I am not filing this Complaint to harass the Defendant(s). Superior Court Civil Rules 11(b).

[Handwritten Signature]

SIGNATURE

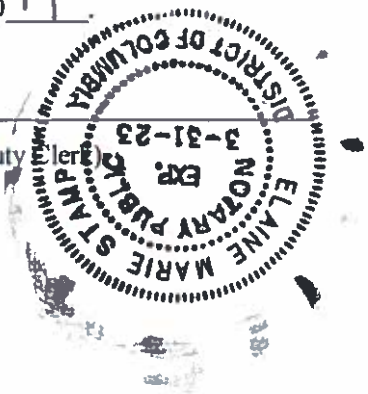
10/4/19

DATE

Subscribed and sworn to before me this 4th day of October 2019.

[Handwritten Signature]

(Notary Public/Deputy)



Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

Doretha Barber

Case Number: _____

vs

Date: _____

District of Columbia

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

Name: <i>(Please Print)</i> <u>Scott Michelman</u>	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff
Firm Name: <u>American Civil Liberties Union Foundation of DC</u>	<input type="checkbox"/> Self (Pro Se)
Telephone No.: <u>202 457 0900</u> Six digit Unified Bar No.: <u>1006945</u>	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
 Demand: \$ amount to be determined at trial Other: injunctive and declaratory relief

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 <input type="checkbox"/> 01 Breach of Contract <input type="checkbox"/> 02 Breach of Warranty <input type="checkbox"/> 06 Negotiable Instrument <input type="checkbox"/> 07 Personal Property <input checked="" type="checkbox"/> 13 Employment Discrimination <input type="checkbox"/> 15 Special Education Fees	COLLECTION CASES <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent <input type="checkbox"/> 27 Insurance/Subrogation Over \$25,000 Pltf. Grants Consent <input type="checkbox"/> 07 Insurance/Subrogation Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only)	<input type="checkbox"/> 16 Under \$25,000 Consent Denied <input type="checkbox"/> 18 OVER \$25,000 Consent Denied <input type="checkbox"/> 26 Insurance/Subrogation Over \$25,000 Consent Denied <input type="checkbox"/> 34 Insurance/Subrogation Under \$25,000 Consent Denied
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)
(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,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 09 Special Writ/Warrants
(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
[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) | |



Attorney's Signature



Date