

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

DISTRICT OF COLUMBIA,
a municipal corporation
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001,

Plaintiff,

v.

TRACEY TURNER,
2901 North Capitol Street N.E.
Washington, D.C. 20002,

AND

TURNER DEVELOPMENT, LLC
2901 North Capitol Street N.E.
Washington, D.C. 20002,

Serve: Same

Defendants.

Case No.: 2021 CA 004516 B

**COMPLAINT FOR VIOLATIONS OF THE DISTRICT
OF COLUMBIA'S ABUSE, NEGLECT AND FINANCIAL
EXPLOITATION OF VULNERABLE ADULTS AND THE ELDERLY ACT**

The District of Columbia (the District) brings this action against Tracey Turner and Turner Development, LLC (Turner Development) for violations of the District's Abuse, Neglect and Financial Exploitation of Vulnerable Adults and the Elderly Act (the Act), D.C. Code §§ 22-933.01 and 22-937. For at least the last three years, Defendant Turner, the owner of Defendant Turner Development, for his own benefit and for the benefit of his company, has used deception and emotional coercion to financially exploit N.G.,¹ a vulnerable, 81-year-old District resident.

¹ The District will move for Leave to File Under Seal a *Praecipe* Identifying Victim under Super. Ct. Civ. R. 5-III.

Defendants have taken large sums of money from N.G. and caused N.G. to take on debt for Defendants' benefit, leaving N.G. with unpaid bills, accumulated debts, and the legal consequences associated with those debts.

In support of its claims, the District alleges as follows:

JURISDICTION

1. This Court has subject matter jurisdiction under D.C. Code § 11-921.
2. This Court has personal jurisdiction over Defendants under D.C. Code § 13-423.

PARTIES

3. Plaintiff the 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 federal government. The District brings this case through the Attorney General for the District of Columbia, who is the chief legal officer for the District. 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 the Elderly Act.

4. Defendant Tracey Turner is an individual whose last known address is 2901 North Capitol Street N.E., Washington, D.C. 20002.

5. Defendant Turner Development is a District-based company owned by Defendant Turner, incorporated in the District and whose last known address is 2901 North Capitol Street N.E., Washington, D.C. 20002.

FACTUAL BACKGROUND

Defendant's Undue Influence Over N.G.

6. N.G. is an 81-year-old District resident.

7. N.G. is a Jamaican immigrant who worked as a dentist in the U.S. Army and left the military around 1980, after suffering a stroke. He then worked in a private practice until he retired around 2001.

8. N.G. is divorced and lives alone, and his daughter and grandchildren live out of state.

9. Defendant Turner and N.G. are neighbors.

10. Over the last decade, Defendant Turner started helping N.G. with errands like shopping and driving him to appointments.

11. Socially isolated and elderly, N.G. came to be dependent on their friendship and Defendant Turner's assistance with small daily needs.

12. In 2010, N.G. fell at his home from an acute gout attack and was unable to get up. N.G. was stuck on the floor of his home for hours. Defendant Turner broke a window to enter N.G.'s house and called for an ambulance. N.G. spent two months in the hospital recovering from the attack.

13. N.G. feels indebted to—and a deep gratitude toward—Defendant Turner for “rescuing” him and “saving his life.”

14. Defendant Turner has taken advantage of N.G.'s emotional dependency, isolation, and gratitude toward Defendant Turner to coerce N.G. to take actions that are inconsistent with N.G.'s financial well-being.

**Defendant Turner used deception and undue influence
to convince N.G. to financially support Defendant Turner's business.**

15. Defendant Turner owns Turner Development. According to its website, Turner Development is a development company that specializes in commercial and residential construction.

16. Defendant Turner has superficially involved N.G. in Turner Development.

17. This has caused N.G. to mistakenly believe that the two are in a business partnership when they are not. N.G. is in substance Defendants' piggy bank, with N.G. providing one-way financial support to Defendants while N.G. lacks any formal role or interest in Turner Development and derives no profit or compensation from the business.

18. Since 2017, Defendant Turner has used deception and emotional coercion to convince N.G. to "loan" nearly \$50,000 to Defendant Turner, mostly for use in the business of Defendant Turner Development.

19. Defendant Turner told N.G. that the money would be repaid, but it has not been. Giving Defendants money with no repayment of principal or interest is inconsistent with N.G.'s financial well-being.

20. In 2018, Defendant Turner used deception and emotional coercion to convince N.G. to use his credit card to pay for U-Haul truck rentals for use by Defendant Turner Development, charging more than \$2,000.

21. Defendant Turner told N.G. that he would pay the credit card bills, but he has not. Incurring debt for Defendants' benefit, and for which N.G. is solely liable, is inconsistent with N.G.'s financial well-being.

22. In March 2019, Defendant Turner used deception and emotional coercion to convince N.G. to purchase a 2017 Dodge Ram truck, for Defendant Turner to use in his business. Defendant Turner drove N.G. to the dealership to purchase the vehicle. N.G. is solely responsible for the almost \$40,000 loan.

23. Defendant Turner said that he would make all the monthly payments on the truck, but he has not.

24. Defendant Turner has not made any monthly payments for the related car insurance that is also in N.G.'s name.

25. Defendant Turner has possession of the truck, which N.G. has never driven.

26. The finance company has issued a notice of intent to repossess, and Defendant Turner has accumulated more than \$2,300 in unpaid tickets.

Defendant Turner rented out rooms in N.G.'s basement and kept the rent payments.

27. From 2017 to 2020, Defendant Turner used deception and undue influence to manipulate N.G. into renting out the basement apartment in N.G.'s home to third-party tenants, in a manner that financially benefitted Defendants over N.G.

28. Defendant Turner told N.G. that he would remodel N.G.'s basement apartment and handle the logistics of finding tenants and collecting rent, the income from which would help N.G. make his monthly mortgage payments.

29. Defendant Turner instead obtained a business license to rent the apartment in the name of Defendant Turner Development, identified himself as the landlord in the lease, directed that all payments be sent to Defendant Turner, and then kept the rent for himself.

30. Without the rental income from his own basement apartment, N.G. had to use retirement savings to stay current on his mortgage. This rental arrangement was inconsistent with N.G.'s financial well-being.

N.G. is especially vulnerable to financial exploitation and is unable to protect his own financial interest absent court intervention.

31. N.G. is particularly vulnerable to financial exploitation through undue influence because he has feelings of loneliness and isolation. He is also susceptible to flattery and likes the feeling of being connected to people who he believes to be successful and who make N.G. feel important.

32. N.G. has notable deficits in his financial capacity, as well as a decline in his short-term memory skills and a deficit in his ability to recognize false information, impairing N.G.'s ability to assess financial risk. This makes N.G. highly susceptible to scams and other financially exploitative schemes.

33. N.G. feels he needs to repay Defendant Turner for "rescuing" him after his medical emergency. Defendant Turner uses N.G.'s gratitude to emotionally coerce N.G. into taking these actions against N.G.'s own financial well-being.

34. N.G. does not have the ability to recognize the negative financial implications of supporting Defendants Turner and Turner Development, from which N.G. receives no benefit and which puts N.G. at financial risk.

35. On occasions when N.G. has questioned Defendant Turner or tried to take steps to disentangle his finances from him and his business, Defendant Turner has placated N.G. by saying that he will be forwarding the rent or making the car payments soon. Sometimes Defendant Turner placates N.G. in other ways, such as inviting N.G. over to pick up home-cooked food or helping N.G. with errands.

36. But Defendants have never (1) forwarded any rental payments to N.G., (2) made regular payments on the car loan or insurance N.G. incurred on behalf of Defendants, or (3) repaid the substantial money they have "borrowed" from N.G.

37. At other times when N.G. questioned whether Defendant Turner had N.G.'s well-being in mind, Defendant Turner belittled N.G., telling him that "God is not pleased with you" and that "if it were not for me, you wouldn't be breathing right now."

38. N.G. does not have the capacity or ability to avoid or end Defendant Turner's ongoing financial exploitation without court intervention.

COUNT I

**Violations of the Abuse, Neglect, and Financial Exploitation
of Vulnerable Adults and the Elderly Act
(D.C. Code §§ 22-933.01 and 22-937)**

39. The District incorporates by reference all allegations in the preceding paragraphs as if fully set forth here.

40. A person violates the Act if he:

(a)(1) Uses deception, intimidation, or undue influence to obtain the property, including money, of a vulnerable adult or elderly person, with the intent to deprive the vulnerable adult or elderly person of the property or use it for the advantage of anyone other than the vulnerable adult or elderly person;

(2) uses deception, intimidation, or undue influence to cause the vulnerable adult or elderly person to assume a legal obligation on behalf of, or for the benefit of, anyone other than the vulnerable adult or elderly person; or

D.C. Code § 22-933.01(a).

41. At all times relevant to this Complaint, N.G. was a vulnerable adult or an elderly person as defined in D.C. Code § 22-932(5).

42. Defendants intentionally and knowingly used deception and undue influence with the intent to deprive N.G. of his money or property and to use N.G.'s money or property for the benefit of someone other than N.G., in violation of D.C. Code § 22-933.01(a)(1).

43. Defendants intentionally and knowingly used deception and undue influence to cause N.G. to assume a legal obligation on behalf of, or for the benefit of, anyone other than N.G. in violation of D.C. Code 22-933.01(a)(2).

44. Defendants undertook these actions with the intent to deprive N.G. of money or property and to use the money or property for the benefit of someone other than N.G.

Prayer for Relief

The District respectfully requests that judgment be entered in its favor and against Defendants on its claims, and that damages and penalties be imposed as follows:

- (1) Order Defendants to pay N.G. restitution, as authorized by D.C. Code § 22-937(a)(2);
- (2) As authorized by D.C. Code § 22-937(a)(1), permanently enjoin Defendants from obtaining or using any money or property from N.G., including the use of any debit or bank card, online account, credit card, or accessing any account of N.G.'s in any way, including through any third party;
- (3) Enjoin Defendant Turner from having any further contact with N.G., as authorized by D.C. Code § 22-937(a)(1);
- (4) Award the District civil penalties for each violation of the Act, as authorized by D.C. Code § 22-937(a)(5);
- (5) Award the District any additional relief as the Court may deem just and proper.

Dated: December 2, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

/s/ Amy R. Mix
AMY R. MIX [483483]
Chief, Elder Justice Section

/s/ Christine L. Gephardt
CHRISTINE L. GEPHARDT [994547]
Assistant Attorney General

400 Sixth Street, N.W.
Suite 10100
Washington, D.C. 20001
(202) 727-2429
(202) 741-5906 (desktop fax)
Christine.Gephardt@dc.gov

Attorneys for the District of Columbia



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, a municipal corporation, 400 Sixth St. NW, Ste. 10100, Washington, DC 20001

Plaintiff

vs.

Case Number **2021 CA 004516 B**

Tracey Turner, 2901 North Capitol Street N.E., Washington, D.C. 20002

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.

Christine Gephardt

Name of Plaintiff's Attorney

Assistant Attorney General

Address

400 Sixth Street N.W., Suite 10100

Washington, DC 20001

Telephone

如需翻译,请打电话 (202) 879-4828

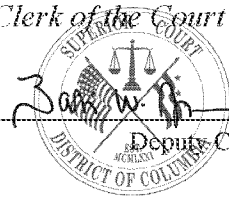
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Để có một bản dịch, hãy gọi (202) 879-4828

법역을 원하 시엔, (202) 879-4828 로 전화주세요

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Clerk of the Court



By

[Signature]
Deputy Clerk

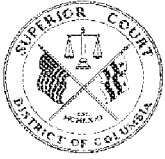
Date

12/6/2021

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
 Vea 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

_____ Demandante
 contra _____
 Número de Caso: _____
 _____ 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.

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante _____
 Dirección _____
 Teléfono _____
 Por: _____ Subsecretario
 Fecha _____

如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Đê có một bài dịch, hãy gọi (202) 879-4828
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Vea al dorso el original en inglés
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Christine Gephardt

Name of Plaintiff's Attorney

Assistant Attorney General

Address

400 Sixth Street N.W., Suite 10100

Washington, DC 20001

Telephone

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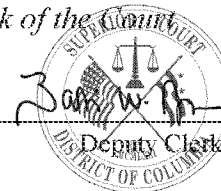
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Clerk of the Court



By

[Signature]

Deputy Clerk

Date

12/6/2021

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_____ Demandante
 contra

Número de Caso: _____

_____ Demandado

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Nombre del abogado del Demandante _____

Por: _____
 Subsecretario

Dirección _____

Fecha _____

Teléfono _____

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Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

District of Columbia,
a municipal corporation,
400 Sixth Street, N.W.,
Washington, D.C. 20001,
vs

INFORMATION SHEET

Case Number: **2021 CA 004516 B**

Date: December 2, 2021

Tracey Turner and Turner Development, LLC

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

Name: <i>(Please Print)</i> Christine L. Gephardt, AAG	Relationship to Lawsuit
Firm Name: D.C. Office of the Attorney General	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: Six digit Unified Bar No.: (202) 727-2429 994547	<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 checked="" 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 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) | |

Christine L. Gephardt

Attorney's Signature

December 2, 2021

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. 2021 CA 004516 B

TURNER DEVELOPMENT, LLC et al

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.") 40-1, 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 HEIDI M PASICHOW

Date: December 3, 2021

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

9:30 am, Friday, March 04, 2022

Location: Courtroom 516

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 if 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*

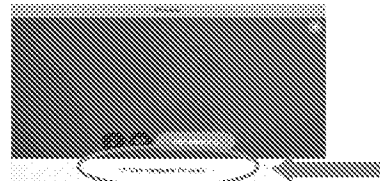
Option 2: (LAPTOP/ DESKTOP USERS 1):

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

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