

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

TERRIS, PRAVLIK & MILLIAN, LLP,
1816 12th Street, N.W., Suite 303
Washington, DC 20009,

Plaintiff,

v.

THE DISTRICT OF COLUMBIA,
1350 Pennsylvania Avenue, N.W., Suite 316
Washington, DC 20004,

Defendant.

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) Civil Action No. _____
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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I

INTRODUCTION

1. This action is brought under the District of Columbia Freedom of Information Act (“DC FOIA”), D.C. Code 2-531, *et seq.*, to compel the District of Columbia (“the District”) to produce and post online various budget-related documents that are required to be disclosed to the public by District of Columbia law. DC law requires the requested agency budget documents to be posted online for public access but the District does not do so and refused to provide them when they were requested.

2. Plaintiff Terris, Pravlik & Millian, LLP (“TPM”), a public interest law firm, represents a class of preschool-aged children with disabilities who did not receive, or timely receive, needed special education and related services in violation of federal and District of Columbia law in *DL v. District of Columbia*, D.D.C., 05-1437 (the “DL” case). The *DL* plaintiffs prevailed and the District is now subject to an injunction, issued by the federal court, requiring it

to improve its special education program. As plaintiffs' counsel in *DL*, TPM is monitoring the District's compliance with that injunction.

3. On October 18, 2019, as part of its monitoring role in *DL*, TPM served a request on the District seeking budget-related documents pursuant to the DC FOIA. The District asserted the deliberative process privilege over the requested documents and, on December 12, 2019, declined to produce them.¹

II

JURISDICTION

4. This Court has jurisdiction over the subject matter of this dispute pursuant to D.C. Code 2-537(a)(1) and D.C. Code 11-921(a).

III

PARTIES

5. Plaintiff TPM is a District of Columbia limited liability partnership law firm that represents the plaintiffs in *DL*.

6. Defendant, the District of Columbia, is a municipal corporation charged with FOIA obligations under the DC FOIA law, as described further below.

¹ As described below, TPM also appealed to the Mayor but the Mayor did not rule on it. That appeal is attached as Plaintiffs' Exhibit A. It includes the documents that were attached to it, which are marked with the following exhibit numbers: the FOIA request (Ex. 1), correspondence with District representatives (Exs. 2, 3), and a printout from the DC.gov website (Ex. 4). Those exhibits are referenced herein.

IV
FACTS

A. THE FOIA REQUEST

7. On October 18, 2019, TPM served on the Executive Office of the Mayor, via electronic upload to the District’s FOIA portal, the following FOIA request (Ex. 1):

We are writing to request, pursuant to the District of Columbia Freedom of Information Act, DC Code 2-531, *et seq.*, the following documents related to (a) the Office of the State Superintendent of Education (“OSSE”) and (b) District of Columbia Public Schools (“DCPS”) (together, the “agencies”): (1) actual copies—not summaries—of the agencies’ budget requests for fiscal year 2019, including “Form B”; (2) any similar documentation describing in detail the agencies’ budget needs or requests for fiscal year 2019; and (3) information identifying corresponding totals from the final approved budget.

We are specifically interested in expenses and budgetary items related to special education services relevant to the *DL* case. This includes, for OSSE, funding for special education oversight, policy development and compliance issues impacting 3-5-year-olds, data systems, the provision of screenings, evaluations, and eligibility determinations, and the provision of specialized instruction and related services, including special education transportation. For DCPS, this includes those same matters, as they relate to Early Stages, the Central Office, and individual schools. Plaintiffs do not object to the production being narrowed accordingly.

B. THE FOIA RESPONSE

8. Although a response was due within 15 business days (D.C. Code 2-532(c)(1)), TPM never received a response from the Executive Office of the Mayor. *See* D.C. Code 2-532(e) (failure to timely respond deemed a denial).

9. On November 15, 2019 (20 business days after service of the request), TPM called the FOIA office for the Executive Office of the Mayor and was informed that one of its representatives, Grant Tannenbaum, would contact them within the next hour or two. TPM never heard from Mr. Tannenbaum. However, TPM subsequently learned through meetings related to the *DL* litigation that **Mona Patel, OSSE’s FOIA Officer, was addressing this FOIA request.**

10. On December 4, 2019, Ms. Patel sent TPM **a copy of the Mayor's Proposed Budget** regarding OSSE for fiscal year 2019. Ex. 2.² In a telephone call that day, TPM informed Ms. Patel that **OSSE's production did not include the budget request made by OSSE to the Mayor's office, which TPM explicitly sought in its FOIA request.** Ms. Patel informed TPM that OSSE would not be producing those documents because they are protected deliberations and that she has a memo explaining that those are protected deliberations. TPM directed her to the contrary District of Columbia law about the public nature of the documents requested (D.C. Code 2-536(a)(6A), 47-318.05a), which were referenced in TPM's FOIA request. TPM also asked for a letter **conveying the District's position and for a copy of the referenced memo.**

11. On December 12, 2019, TPM asked Ms. Patel when it should expect a response and noted that it **"look[s] forward to receiving that as well as the Council memo"** that she referenced regarding protection of agency budget requests from FOIA disclosure. Ex. 3. Ms. Patel responded as follows (*ibid.*):

OSSE did not receive guidance, the guidance I was referring to was legal advice given from the Attorney General to the Mayor, which is privileged. My apologies **for the confusion. OSSE's budget submission to the Mayor is deliberative until [the] Mayor proposes the budget to the Council.** We sent you a copy of the final budget for OSSE that was proposed by the Mayor.^[3]

12. Thus, the District refused to produce the requested documents and claimed that production was not necessary because the documents are protected by the deliberative process privilege.

² To comply with the file size limitations on the DC FOIA website that related to the appeal to the Office of the Mayor, TPM **included just the first page of the Mayor's Proposed Budget regarding OSSE for fiscal year 2019** in Exhibit 2.

³ Exhibit 3, which is a chain of emails with Ms. Patel, also references a separate FOIA request that is not at issue here.

C. THE APPEAL TO THE OFFICE OF THE MAYOR

13. On January 22, 2020, TPM appealed that decision to the Office of the Mayor. The Mayor was required to issue a decision by February 5, 2020. *See* D.C. Code 2-537(a) (appeal decision due in 10 business days). No decision was received by that date or thereafter.

14. TPM wrote to the Office of the Mayor on February 12, 2020, requesting a decision. The Office of the Mayor did not respond.

V

THE DISTRICT'S OBLIGATION TO PRODUCE THE REQUESTED DOCUMENTS

15. DC FOIA explains that the public policy of the District is to make full and complete disclosures about government affairs (D.C. Code 2-531):

The public policy of the District of Columbia is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. To that end, provisions of this subchapter shall be construed with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information.

16. Accordingly, DC FOIA states that (D.C. Code 2-532(a)):

Any person has a right to inspect, and at his or her discretion, to copy any public record of a public body, except as otherwise expressly provided by § 2-534, in accordance with reasonable rules that shall be issued by a public body after notice and comment, concerning the time and place of access.

17. Section 2-534 exempts from disclosure “[i]nter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a public body in litigation with the public body.” D.C. Code 2-534(a)(4). TPM understands that, when Ms. Patel declined to produce the agency budget requests pursuant to the deliberative process privilege, the District was invoking that exception.

18. The deliberative process exception is inapplicable because DC FOIA explicitly makes public the information that TPM requested. D.C. Code 2-536(a)(6A) states:

Without limiting the meaning of other sections of this subchapter, the following categories of information are specifically made public information, and do not require a written request for information: . . . (6A) Budget requests, submissions, and reports available electronically that agencies, boards, and commissions transmit to the Office of the Budget and Planning during the budget development process, as well as reports on budget implementation and execution prepared by the Office of the Chief Financial Officer, including baseline budget submissions and appeals, financial status reports, and strategic plans and performance-based budget submissions. [emphasis added]

19. These documents must be made available to the public on the internet. *See* D.C. Code 2-536(b) (“For records created on or after November 1, 2001, each public body shall make records available on the Internet or, if a website has not been established by the public body, by other electronic means. This subsection is intended to apply only to information that must be made public pursuant to this subsection.”).

20. The website of the District of Columbia Office of Budget and Planning (“OBP”) states that its mission and function is “to prepare, monitor, analyze, and execute the District government’s budget” Ex. 4. OBP “Works closely with budget staff from the Mayor’s office and the Council,” “Provides the framework for formulation of the District’s annual operating budget,” “Publishes the operating budget on behalf of the Mayor and the District,” “Monitors agency spending,” “Provides other Financial and budgetary services to the Mayor, Council, and other stakeholders to make uniformed [sic] decisions on allocations of District operating resources,” and “Monitors and analyzes budgetary activity.” *Ibid.*

21. Accordingly, on information and belief, budget requests and other similar documents by District agencies, including OSSE and DCPS, are transmitted to OBP.

22. Therefore, based on District of Columbia law, the budget requests of OSSE and DCPS are not only accessible through FOIA, they must also be provided to the public on the internet even in the absence of a FOIA request.

23. TPM has searched District websites and has been unable to locate the fiscal year 2019 budget requests of OSSE and DCPS, subsequent budget requests for OSSE and DCPS, or budget requests or similar documents for other agencies.

24. Accordingly, on information and belief, the District has a policy or practice of failing to place online the budget documents of agencies required by D.C. Code 2-536(a)(6A). That policy or practice has and will interfere with the work of TPM pursuant to DC FOIA to promptly obtain such budget records. On information and belief, this also interferes with the rights of other people and organizations that would like to review that information as to OSSE, DCPS, and other District agencies.

25. D.C. Code 1-204.42 requires the Mayor to submit the proposed budget to the Council annually. The public nature of the information sought by TPM is further bolstered by D.C. Code 47-318.05(a) which states that the Mayor is required to transfer to the Council **“simultaneously with the proposed budget submission: (1) Actual copies, not summaries, of all agency budget enhancement requests, including the ‘Form B’ for all District agencies; and (2) Any similar documentation describing in detail agencies’ budget needs or requests.”** Those documents required to be submitted by the Mayor to the Council along with the budget are the precise documents that TPM requested here.

VI

CLAIMS

Claim 1: Failure to Produce Documents in Violation of DC FOIA

26. The DC FOIA obligates the District to produce the documents requested by TPM. D.C. Code 2-532(a). The District failed to produce the documents **in response to TPM's FOIA** request. There is no legal basis for **the District's** failure to produce the requested records.

Claim 2: Failure to Post Documents on the Internet in Violation of DC FOIA

27. The DC FOIA obligates the District to make available on a public Internet website or by other electronic means the documents requested by TPM. D.C. Code 2-536(a)(6A) and 2-536(b). The District has a policy or practice of failing to make the documents available to the public electronically. **There is no legal basis for the District's failure to make** available the requested records.

VII

REMEDY

28. Plaintiff hereby requests that the Court:

- (1) Declare unlawful **the District's failure** to produce the requested documents to TPM;
- (2) **Declare unlawful the District's** failure to make available to the public by electronic means the budget documents requested by TPM as required by D.C. Code 2-536(a)(6A) and 2-536(b);
- (3) Order the District to produce the requested documents to TPM for fiscal year 2019 and all subsequent years until this case is resolved;
- (4) Order the District to make available on a public internet website or by other electronic means all documents as required by D.C. Code 2-536(a)(6A) and 2-536(b);

(6) Award plaintiff the reasonable attorneys' fees and other costs of litigation in this action, as provided by D.C. Code 2-537(c); and

(7) Grant such other and further relief that the Court may deem just and proper.

Respectfully submitted,

/s/ Todd A. Gluckman

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TODD A. GLUCKMAN, DC Bar 1004129

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July 13, 2020

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January 22, 2020

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STEPHANIE ANN MADISON
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CLARE M. GARRISON*
*NOT YET ADMITTED TO THE DC BAR
BRUCE J. TERRIS (1933-2017)
FOUNDING PARTNER

VIA EMAIL AND ELECTRONIC UPLOAD

Exhibit A

Mayor's Office of Legal Counsel
FOIA Appeal
1350 Pennsylvania Avenue, NW, Suite 407
Washington, DC 20004
foia.appeals@dc.gov

Executive Office of the Mayor
1350 Pennsylvania Avenue, NW
Washington, DC 20004
eom.foia@dc.gov

Office of the State Superintendent of Education
1050 First Street, NE
Washington, DC 20002
mona.patel@dc.gov

District of Columbia Public Schools
1200 First Street, NE
Washington, DC 20002
eboni.govan@dc.gov

**Re: Freedom of Information Act Appeal
FOIA Request 2020-FOIA-00456**

To those identified above:

We are attorneys who represent the plaintiffs in *DL v. District of Columbia*, Civil Action No. 05-1437, a class action before the United States District Court for the District of Columbia. The plaintiffs in that case are preschool-aged children with disabilities who have successfully **challenged the District of Columbia's failure** to implement policies and procedures related to special education services required by federal and District law. Through this letter and the accompanying documents, we are submitting a FOIA appeal. We are also sending a copy of this appeal to the attorneys for the District of Columbia on *DL* who are copied below.

A. THE FOIA REQUEST

On October 18, 2019, we served on the Executive Office of the Mayor, via electronic upload to the FOIA portal, the following FOIA request (Exhibit 1):

We are writing to request, pursuant to the District of Columbia Freedom of Information Act, DC Code 2-531, *et seq.*, the following documents related to (a) the Office of the State Superintendent of Education (“OSSE”) and (b) District of Columbia Public Schools (“DCPS”) (together, the “agencies”): (1) actual copies—not summaries—of the agencies’ budget requests for fiscal year 2019, including “Form B”; (2) any similar documentation describing in detail the agencies’ budget needs or requests for fiscal year 2019; and (3) information identifying corresponding totals from the final approved budget.

We are specifically interested in expenses and budgetary items related to special education services relevant to the *DL* case. This includes, for OSSE, funding for special education oversight, policy development and compliance issues impacting 3-5-year-olds, data systems, the provision of screenings, evaluations, and eligibility determinations, and the provision of specialized instruction and related services, including special education transportation. For DCPS, this includes those same matters, as they relate to Early Stages, the Central Office, and individual schools. Plaintiffs do not object to the production being narrowed accordingly.

B. THE FOIA RESPONSE

Although a response is due within 15 business days (D.C. Code 2-532(c)(1)), we never received a response from the Executive Office of the Mayor.¹

On November 15, 2019 (20 business days after service of the request), we called the FOIA office for the Executive Office of the Mayor and were informed that Grant Tannenbaum would contact us within the next hour or two. We never heard from Mr. Tannenbaum.

We subsequently learned through meetings related to the *DL* litigation that Mona Patel, OSSE’s FOIA Officer, was addressing our FOIA request.² On December 4, 2019, Ms. Patel sent

¹ See D.C. Code Section 2-532(e) (“Any failure on the part of a public body to comply with a request under subsection (a) of this section within the time provisions of subsections (c) and (d) of this section shall be deemed a denial of the request, and the person making such request shall be deemed to have exhausted his administrative remedies with respect to such request, unless such person chooses to petition the Mayor pursuant to § 2-537 to review the deemed denial of the request.”).

² Ms. Patel subsequently informed us that she was not producing documents regarding DCPS and that we should consider contacting Eboni Govan at DCPS regarding any DCPS documents. We never spoke to Ms. Govan because we had not addressed our request to DCPS (we had addressed

us a copy of the Mayor's Proposed Budget regarding OSSE for fiscal year 2019. Exhibit 2.³ On a telephone call that day, we informed Ms. Patel that that production did not include the budget request made by OSSE to the Mayor's office which we explicitly sought in our FOIA request. Ms. Patel informed us that OSSE would not be producing those documents because they are protected deliberations and that she has a memo explaining that those are protected deliberations.⁴ We directed her to the contrary District of Columbia law about the public nature of the documents requested (D.C. Code Sections 2-536(a)(6A), 47-318.05a) which are in our FOIA request and explained below. We also asked for a letter conveying the District's position and for a copy of the referenced memo.

On December 12, 2019, we asked Ms. Patel when we should expect a response and noted that "[w]e look forward to receiving that as well as the Council memo that you referenced regarding protection of agency budget requests from FOIA disclosure." Exhibit 3. Ms. Patel responded as follows (*ibid.*):

OSSE did not receive guidance, the guidance I was referring to was legal advice given from the Attorney General to the Mayor, which is privileged. My apologies for the confusion. OSSE's budget submission to the Mayor is deliberative until [the] Mayor proposes the budget to the Council. We sent you a copy of the final budget for OSSE that was proposed by the Mayor.^[5]

C. REASONS THAT THE FOIA RESPONSE IS INADEQUATE

1. The D.C. Code Explicitly Makes the Agency Budget Requests Public Information

The D.C. FOIA law exempts from disclosure "[i]nter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a public body in litigation with the public body." D.C. Code Section 2-534(a)(4). We understand that, when Ms. Patel declined to produce the requested agency budget requests pursuant to the deliberative process privilege, the District was invoking this exception.

The deliberative process exception is inapplicable because D.C. law explicitly makes the particular requested information public. D.C. Code Section 2-536(a)(6A) states:

it to the Executive Office of the Mayor), and, based on Ms. Patel's response described below, we expect to receive the same response from Ms. Govan.

³ To comply with the file size limitations on the DC FOIA website, we included just the first page of the Mayor's Proposed Budget regarding OSSE for fiscal year 2019 in Exhibit 2.

⁴ We at first understood this to be a memo produced by the D.C. Council, but it appears that Ms. Patel was referring to a memo of "counsel"—that is, an attorney for the District of Columbia.

⁵ Exhibit 3, which is a chain of emails with Ms. Patel, also references a separate FOIA request that is not at issue here.

Without limiting the meaning of other sections of this subchapter, the following categories of information are specifically made public information, and do not require a written request for information: . . . (6A) Budget requests, submissions, and reports available electronically that agencies, boards, and commissions transmit to the Office of the Budget and Planning during the budget development process, as well as reports on budget implementation and execution prepared by the Office of the Chief Financial Officer, including baseline budget submissions and appeals, financial status reports, and strategic plans and performance-based budget submissions. [emphasis added]

These documents must be made available to the public on the internet. See D.C. Code Section 2-536(b) (“For records created on or after November 1, 2001, each public body shall make records available on the Internet or, if a website has not been established by the public body, by other electronic means. This subsection is intended to apply only to information that must be made public pursuant to this subsection.”).

The Office of Budget and Planning (“OBP”) website explains that its mission and function is “to prepare, monitor, analyze, and execute the District government’s budget” Exhibit 4. Its key responsibilities include “Work[ing] closely with budget staff from the Mayor’s office and the Council,” “Provid[ing] the framework for formulation of the District’s annual operating budget,” “Publish[ing] the operating budget on behalf of the Mayor and the District,” “Monitor[ing] agency spending,” “Provid[ing] other Financial and budgetary services to the Mayor, Council, and other stakeholders to make uniformed [sic] decisions on allocations of District operating resources,” and “Monitor[ing] and analyz[ing] budgetary activity.” *Ibid.*

Based on these descriptions, we expect that budget requests by District agencies, including OSSE and DCPS, are transmitted to OBP. If this is correct, based on District of Columbia law, those budget requests are not only accessible through FOIA, they must be provided to the public on the internet even in the absence of a FOIA request. We have searched the District’s websites and have been unable to locate the fiscal year 2019 budget requests of OSSE and DCPS.

2. The Deliberative Process Exception to FOIA Does Not Void This Explicit Provision of DC Law which Makes the Budget Request Information Public

The District of Columbia appears to take the position that the deliberative process provision voids this explicit requirement. Based on principles of statutory construction, the position that the deliberative process privilege prevents disclosure of the documents sought here is wrong.

In 2018, in *Kane v. District of Columbia*, 180 A.3d 1073, 1082-1084, the District of Columbia Court of Appeals addressed a similar issue. It addressed whether the District waived the deliberative process privilege as to Advisory Neighborhood Commission (“ANC”) documents when it stated in the District of Columbia Code:

Without limiting the scope of [D.C. Code Section 1-207.42(a) (the **District’s** Sunshine Act)] the following categories of [ANC] information are specifically made available to the public ... (4) All documents not related to personnel and legal matters.

In *Kane*, the Court of Appeals concluded that, when the D.C. Code explicitly made “[a]ll [ANC] **documents not related to personnel and legal matters**” public, that did not abrogate the deliberative process exception regarding those documents because that exception was integrated in the legislation. 180 A.3d at 1082. That is, the ANC law really meant that all ANC documents are public except those related to “**personnel and legal matters**” and those protected by the deliberative process exception. There are undoubtedly many ANC documents that are not related to personnel or legal matters and not protected by the deliberative process exception and which are, therefore, subject to disclosure through FOIA.

As in *Kane*, here, the Budget Request provision (D.C. Code Section 2-536(a)(6A)) is part of a larger section that makes twelve different categories of documents and information public, including, *inter alia*, names and salaries of employees, administrative staff manuals, and policy statements. All of that “public information” is subject to the deliberative process exception. See D.C. Code Section 2-536(a) (making **information public “[w]ithout limiting the meaning of other sections of this subchapter**”); D.C. Code Section 2-534(a)(4) (other section of the subchapter; applies the deliberative process exception).

However, while all twelve of those categories of documents and information in Section 2-536(a) are subject to the deliberative process privilege, that privilege cannot be construed to abrogate entirely the precise Budget Request provision at issue here. If it did, the privilege would entirely void that provision of the D.C. Code that makes agency Budget Request information public. This specific provision states that the very documents that we are requesting—“**Budget requests . . . transmit[ed] to the Office of the Budget and Planning during the budget development**”—are public information. D.C. Code Section 2-536(a)(6A). To claim that the District cannot produce such documents due to the deliberative process privilege would completely read the provision out of existence.⁶

Thus, the documents sought here differ from those at issue in *Kane*. The plaintiff in *Kane* relied upon a catch-all provision under D.C. law **making public “[a]ll [ANC] documents not related to personnel and legal matters.**” The court of appeals concluded that the deliberative process exception applied and restricted the production of the requested information. 180 A.3d at 1082. Here, in contrast, we are seeking the precise and narrow set of Budget Request documents identified as “public” under D.C. law. If the deliberative process exception restricted access to those particular documents, the statute making them public would be a nullity. Since statutes must not be construed to render any provision a nullity (*see Atiba v. Washington Hospital Center*, 43

⁶ It is worth underscoring that this provision did not exist in the law originally—the Code was amended in 2004 to make this information public.

A.3d 940, 941-942 (D.C. 2012)),⁷ the District is required to produce the Budget Request documents specified as public in D.C. Code Section 2-536(a)(6A).

3. The Budget Requests Must be Transmitted to the D.C. Council, Undermining any Claim that They Are Protected by Deliberative Process Privilege

The accessibility of this information is bolstered by another provision of the D.C. Code. D.C. Code Section 1-204.42 requires the Mayor to submit the proposed budget to the Council annually. D.C. Code Section 47-318.05(a) states that the Mayor is required to transfer to the Council “simultaneously with the proposed budget submission: (1) Actual copies, not summaries, of all agency budget enhancement requests, including the ‘Form B’ for all District agencies; and (2) Any similar documentation describing in detail agencies’ budget needs or requests.” This provision came from a D.C. law called the “Budget Transparency Act of 2008.” D.C. Law 17-219, Section 1010.

Those documents, which must be transmitted to the Council to aid transparency, are the precise documents that plaintiffs have requested here. This comports entirely with Section 2-536(a)(6A), which requires that the documents be placed on the internet, and also comports with the public policy of the District of Columbia, as set forth in the D.C. Code, that “all persons are entitled to full and complete information regarding the affairs of government” and that the FOIA law “shall be construed with the view toward expansion of public access.” D.C. Code Section 2-531.

* * *

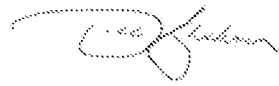
⁷ In *Abita*, the D.C. Court of Appeals rejected an interpretation of the D.C. Code that would have made another provision “inoperable upon promulgation.” 43 A.3d at 941-942. It stated (*ibid.*):

To require ninety clear days would create a square conflict between the two statutory provisions, a conflict the Council of the District of Columbia could not have intended. Under such an interpretation, an absurd outcome would result because the extension provision of D.C. Code § 16–2803 would have been inoperable upon promulgation. The Council made clear by enacting § 16–2803 that it intended an operable extension of the statute of limitations period and would not have drafted a provision with no practical effect. Therefore, it is apparent by the construction of the statutes that the Council did not intend to require ninety clear days to pass prior to the filing of a law suit. See *In re O.L.*, 584 A.2d 1230, 1241 (D.C. 1990) (“If the plain meaning of [a statute] w[as] incompatible with the other sections either by thwarting their objective or yielding an absurd or unjust result, when read in their light, a narrowing construction would be required.”); *United States v. Edelen*, 529 A.2d 774, 778 (D.C. 1987) (when one statute is read in conjunction with another statute, a plain meaning interpretation may be compelled).

For all of these reasons, the District erred when it declined to produce the requested information. We ask that the District reconsider and produce the requested materials.

If the District declines to produce the requested materials, we ask for a statement of reasons rebutting the points set forth above so that we can understand the grounds for the District's conclusions and avoid further dispute. We request that that be provided by February 5, 2020. *See* D.C. Code Section 2-537(a) (the Mayor's "determination shall be made in writing with a statement of reasons therefor in writing within 10 days (excluding Saturdays, Sundays, and legal holidays) of the submission of the petition").

Sincerely,

A handwritten signature in black ink, appearing to read "Todd A. Gluckman". The signature is fluid and cursive, with a large initial "T" and "G".

Todd A. Gluckman

cc: Andy Saindon (andy.saindon@dc.gov)
Honey Morton (honey.morton@dc.gov)

TERRIS, PRAVLIK & MILLIAN, LLP

A PUBLIC INTEREST LAW FIRM

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October 18, 2019

Exhibit 1

CAROLYN SMITH PRAVLIK
KATHLEEN L. MILLIAN
ZENIA SANCHEZ FUENTES
PATRICK A. SHELDON
TODD A. GLUCKMAN
ALICIA C. ALCORN
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NICHOLAS SOARES
STEPHANIE ANN MADISON
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CLARE M. GARRISON*
*NOT YET ADMITTED TO THE DC BAR
BRUCE J. TERRIS (1933-2017)
FOUNDING PARTNER

VIA ELECTRONIC UPLOAD

Executive Office of the Mayor
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Freedom of Information Act Request

To whom it may concern:

We are attorneys who represent the plaintiffs in *DL v. District of Columbia*, Civil Action No. 05-1437, a class action in the United States District Court for the District of Columbia. The plaintiffs in the case are preschool-aged children with disabilities who have successfully **challenged the District of Columbia's failure to implement** policies and procedures related to special education services required by federal and District law. We are also sending a copy of this letter to the attorneys for the District on *DL* who are copied below.

We are writing to request, pursuant to the District of Columbia Freedom of Information Act, DC Code 2-531, *et seq.*, the following documents related to (a) the Office of the State Superintendent of Education ("OSSE") and (b) District of Columbia Public Schools ("DCPS") **(together, the "agencies")**: (1) actual copies—not summaries—of **the agencies' budget requests for fiscal year 2019, including "Form B"**; (2) any similar documentation describing in detail the **agencies' budget needs or requests for fiscal year 2019**; and (3) information identifying corresponding totals from the final approved budget.¹

¹ All of this information should be accessible to the public. *See* D.C. Code Section 2-536(a)(6A) ("**Without limiting the meaning of other sections of this subchapter, the following categories of information are specifically made public information, and do not require a written request for information: . . . (6A) Budget requests, submissions, and reports available electronically that agencies, boards, and commissions transmit to the Office of the Budget and Planning during the budget development process, as well as reports on budget implementation and execution prepared by the Office of the Chief Financial Officer, including baseline budget submissions and appeals, financial status reports, and strategic plans and performance-based budget submissions . . .**"; *see also* D.C. Code 47-318.05a ("**The Mayor and the Chief Financial Officer shall supplement all proposed budgets submitted pursuant to § 1-204.42, and related budget documents required by §§ 1-204.42, 1-204.43, and 1-204.44, by submitting to the Council simultaneously with the proposed budget submission: (1) Actual copies, not summaries, of all agency budget enhancement**

October 18, 2019

Page 2

We are specifically interested in expenses and budgetary items related to special education services relevant to the *DL* case. This includes, for OSSE, funding for special education oversight, policy development and compliance issues impacting 3-5-year-olds, data systems, the provision of screenings, evaluations, and eligibility determinations, and the provision of specialized instruction and related services, including special education transportation. For DCPS, this includes those same matters, as they relate to Early Stages, the Central Office, and individual schools. Plaintiffs do not object to the production being narrowed accordingly.

We request that the responses be produced in electronic form. We request that the FOIA officer discuss the potentially responsive documents with us before production to attempt to avoid confusion, dispute, or unnecessary work.

If it is your position that records exist responsive to this FOIA request, but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld, state the basis for the denial for each record being withheld, and provide the non-exempt portions of the records.

We are a public interest law firm and are requesting such documents because they relate to our work on behalf of preschool-aged children with disabilities in *DL*. Accordingly, we seek a waiver of any fees related to this request pursuant to DC Code 2-532(b). If our request for a fee waiver is denied and fees will be incurred, please contact me at tgluckman@tpmlaw.com or (202) 204-8482 with the cost of any proposed search, review, and production before those activities are carried out.

Thank you in advance for your assistance in this matter. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd A. Gluckman". The signature is fluid and cursive, with a large initial "T" and "G".

Todd A. Gluckman

cc: Matthew Blecher
Robert Rich
Andy Saindon

requests, including the "Form B" for all District agencies; and (2) Any similar documentation describing in detail agencies' budget needs or requests.").

Todd A. Gluckman

From: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Sent: Wednesday, December 4, 2019 11:52 AM
To: Todd A. Gluckman
Subject: RE: Status Update for Request #2020-FOIA-00456
Attachments: FY2019 Mayor's Proposed Budget - GD0.pdf

Exhibit 2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Todd,

I've attached our portion of the budget. I was working with OSSE's fiscal officer for records; I am not sure about the contact at the Mayor's office. You can contact Ebony Govan, FOIA officer for DCPS for their portion of the request. I am working on the question you sent me last week before thanksgiving; hopefully we will be able to close the loop on that soon.

As always, feel free to reach out if you have questions. Thanks.

Best,
Mona Patel
202-264-9011

From: Todd A. Gluckman <tgluckman@tpmlaw.com>
Sent: Wednesday, December 4, 2019 1:36 PM
To: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Subject: RE: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Thanks, Mona. We appreciate it.

As for DCPS, we served the request on the Mayor's office since we knew that this related to issues beyond OSSE. I followed up with the Mayor's office on November 15, 2019, and was told that Grant Tannenbaum was addressing it and would contact me soon, but I never heard from him and subsequently understood that you were addressing it. So, it was my impression that you would be providing the complete response. Can you direct me to the person that I should speak to get the DCPS part of this response, whether that is at DCPS or the Mayor's office?

Thanks,
Todd

TERRIS, PRAVLIK & MILLIAN, LLP

A Public Interest Law Firm

Todd A. Gluckman | Attorney | 1816 12th Street, NW, Suite 303 | Washington, DC 20009
T: 202-204-8482 | F: 202-289-6795 | tgluckman@tpmlaw.com | www.tpmlaw.com

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From: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Sent: Wednesday, December 4, 2019 9:30 AM
To: Todd A. Gluckman <tgluckman@tpmlaw.com>
Subject: RE: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Todd,

No worries, I'll try to get it to you as soon as possible. The information we will provide will be for OSSE. Have you asked DCPS for their copy?

Best,
Mona Patel
202-264-9011

From: Todd A. Gluckman <tgluckman@tpmlaw.com>
Sent: Wednesday, December 4, 2019 11:07 AM
To: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Subject: RE: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Thanks, Mona. We would prefer to wait for an electronic copy, assuming that it will not be a long wait. When do you think that you will get it?

Also, to avoid any confusion, we requested “the following documents related to (a) the Office of the State Superintendent of Education (“OSSE”) and (b) District of Columbia Public Schools (“DCPS”) (together, the “agencies”): (1) actual copies—not summaries—of the agencies’ budget requests for fiscal year 2019, including “Form B”; (2) any similar documentation describing in detail the agencies’ budget needs or requests for fiscal year 2019; and (3) information identifying corresponding totals from the final approved budget.” We also explained :

We are specifically interested in expenses and budgetary items related to special education services relevant to the *DL* case. This includes, for OSSE, funding for special education oversight, policy development and compliance issues impacting 3-5-year-olds, data systems, the provision of screenings, evaluations, and eligibility determinations, and the provision of specialized instruction and related services, including special education transportation. For DCPS, this includes those same matters, as they relate to Early Stages, the Central Office, and individual schools. Plaintiffs do not object to the production being narrowed accordingly.

Will all of this information be provided as to OSSE and DCPS?

TERRIS, PRAVLIK & MILLIAN, LLP

A Public Interest Law Firm

Todd A. Gluckman | Attorney | 1816 12th Street, NW, Suite 303 | Washington, DC 20009

T: 202-204-8482 | F: 202-289-6795 | tgluckman@tpmlaw.com | www.tpmlaw.com

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From: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Sent: Tuesday, December 3, 2019 8:44 AM
To: Todd A. Gluckman <tgluckman@tpmlaw.com>
Subject: Re: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have a hard copy of our budget, I'm trying to get an electronic copy. Would you be interested in the hard copy?

Sincerely,
Mona K. Patel
FOIA Officer
Office of the General Counsel
Office of the State Superintendent of Education (OSSE)
Government of the District of Columbia
1050 First Street N.E, Washington, D.C. 20002
Cell: 202.264.9011
Fax: 202.673.8409
Email: mona.patel@dc.gov
www.osse.dc.gov

From: Todd A. Gluckman <tgluckman@tpmlaw.com>
Sent: Tuesday, December 3, 2019 11:41:55 AM
To: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Subject: RE: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Thanks. When should we expect a response?

TERRIS, PRAVLIK & MILLIAN, LLP

A Public Interest Law Firm

Todd A. Gluckman | Attorney | 1816 12th Street, NW, Suite 303 | Washington, DC 20009
T: 202-204-8482 | F: 202-289-6795 | tgluckman@tpmlaw.com | www.tpmlaw.com

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From: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Sent: Tuesday, December 3, 2019 8:38 AM
To: Todd A. Gluckman <tgluckman@tpmlaw.com>
Subject: Re: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Todd,
That's unusual, I haven't closed your request. I'll look into it, rest assured, I haven't closed your request.

Thanks for letting me know.

Sincerely,
Mona K. Patel
FOIA Officer
Office of the General Counsel
Office of the State Superintendent of Education (OSSE)
Government of the District of Columbia
1050 First Street N.E., Washington, D.C. 20002
Cell: 202.264.9011
Fax: 202.673.8409
Email: mona.patel@dc.gov
www.osse.dc.gov

From: Todd A. Gluckman <tgluckman@tpmlaw.com>
Sent: Tuesday, December 3, 2019 11:35:08 AM
To: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Subject: FW: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Hi Mona,

I received the email below stating that our request for budget documents was closed. However, we have not received any response to this. Can you direct me to the response?

Thanks,
Todd

TERRIS, PRAVLIK & MILLIAN, LLP

A Public Interest Law Firm

Todd A. Gluckman | Attorney | 1816 12th Street, NW, Suite 303 | Washington, DC 20009
T: 202-204-8482 | F: 202-289-6795 | tgluckman@tpmlaw.com | www.tpmlaw.com

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From: FOIA.SystemAdmin@dc.gov <FOIA.SystemAdmin@dc.gov>
Sent: Tuesday, December 3, 2019 6:00 AM
To: Todd A. Gluckman <tgluckman@tpmlaw.com>
Subject: Status Update for Request #2020-FOIA-00456

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is an automated message from the DC Government FOIA system.

Dear

Todd Gluckman,

The status for your request is below. Please log into <https://foia-dc.gov/palMain.aspx> and go to Request Status. If you have any questions regarding the status of your request,

please contact the agency's FOIA office that you had submitted your FOIA request to. You can communicate directly with the FOIA office by clicking on Inbox, search the request number, and then click Compose Message. OR, visit [Contact](#)

[FOIA Office](#) to see a list DC Government FOIA Office's/officer's contact information and have your Request ID ready.

Request status: Closed

Request

ID: 2020-FOIA-00456

Description: See the attachment.

Regards,
DC Government
FOIA Portal

Honor the Best in Public Service! Nominate an outstanding DC Government employee and/or team for the [19th Annual Cafritz Awards](#) by December 6th, 2019.

Honor the Best in Public Service! Nominate an outstanding DC Government employee and/or team for the [19th Annual Cafritz Awards](#) by December 6th, 2019.

Honor the Best in Public Service! Nominate an outstanding DC Government employee and/or team for the [19th Annual Cafritz Awards](#) by December 6th, 2019.

Honor the Best in Public Service! Nominate an outstanding DC Government employee and/or team for the [19th Annual Cafritz Awards](#) by December 6th, 2019.

Office of the State Superintendent of Education

www.osse.dc.gov
Telephone: 202-727-6436

Table GD0-1

Description	FY 2016	FY 2017	FY 2018	FY 2019	% Change
	Actual	Actual	Approved	Proposed	from FY 2018
OPERATING BUDGET	\$393,688,294	\$401,199,321	\$488,228,748	\$480,946,432	-1.5
FTEs	339.1	360.9	448.8	434.0	-3.3

The mission of the Office of the State Superintendent of Education (OSSE) is to remove barriers and create pathways so District residents receive an excellent education and are prepared for success in college, careers, and life.

Summary of Services

The Office of the State Superintendent of Education serves as the District of Columbia's State Education Agency (SEA), thereby granting OSSE oversight responsibility over all federal education programs and related grants administered in the District of Columbia. OSSE has responsibility for setting state-level standards and annually assessing student proficiency, ensuring universal access to childcare and pre-k programs, providing funding and support to adult education providers and Local Education Agencies (LEAs) in achieving objectives, ensuring the state tracks and makes available accurate and reliable data, and assessing meaningful interventions to ensure quality improvements and compliance with state and federal law.

OSSE also leads Special Education Transportation and Non-Public Tuition and administers the District of Columbia Public Charter Schools payments.

The agency's FY 2019 proposed budget is presented in the following tables:

Todd A. Gluckman

From: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Sent: Thursday, December 12, 2019 9:33 AM
To: Todd A. Gluckman
Subject: RE: FOIA Request re State Complaints

Exhibit 3

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Todd,

OSSE did not receive guidance, the guidance I was referring to was legal advice given from the Attorney General to the Mayor, which is privileged. My apologies for the confusion. OSSE's budget submission to the Mayor is deliberative until Mayor proposes the budget to the Council. We sent you a copy of the final budget for OSSE that was proposed by the Mayor. Let me know if you have any questions.

Thanks.

Best,
Mona Patel
202-264-9011

From: Todd A. Gluckman <tgluckman@tpmlaw.com>
Sent: Thursday, December 12, 2019 11:16 AM
To: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Subject: RE: FOIA Request re State Complaints

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Thanks, Mona. I appreciate it.

Also, when will you be sending your response to our budget-related FOIA request? We look forward to receiving that as well as the Council memo that you referenced regarding protection of agency budget requests from FOIA disclosure.

TERRIS, PRAVLIK & MILLIAN, LLP

A Public Interest Law Firm

Todd A. Gluckman | Attorney | 1816 12th Street, NW, Suite 303 | Washington, DC 20009
T: 202-204-8482 | F: 202-289-6795 | tgluckman@tpmlaw.com | www.tpmlaw.com

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From: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Sent: Thursday, December 12, 2019 8:02 AM
To: Todd A. Gluckman <tgluckman@tpmlaw.com>
Subject: RE: FOIA Request re State Complaints

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Todd,

I wanted to make sure I got back with you on your question below. Yes, the responsive documents would have included any State complaints filed regarding IFSP if they existed in the relevant time period because the State Complaints Office investigates and resolves complaints that allege violations of both IDEA Part C and B. See the [OSSE State Complaints Policy and Procedure](#) at p. 2.

Please let me know if you have any questions. Thanks.

Best,
Mona Patel
202-264-9011

From: Todd A. Gluckman <tgluckman@tmlaw.com>
Sent: Wednesday, November 27, 2019 3:36 PM
To: Patel, Mona (OSSE) <Mona.Patel@dc.gov>
Subject: FOIA Request re State Complaints

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Hi Mona,

Thanks for getting back to me today. In our FOIA request related to state complaints, we asked for “All letters of decision on state complaints issued by OSSE since October 18, 2018 that relate to both (1) special education and (2) any child who, at the time that the state complaint was filed, was not yet seven years old.” OSSE’s production in response to our request does not include any complaints related to IFSPs, extended IFSPs, or transitions from IFSPs to IEPs at age 3. Would OSSE’s response have included letters of decision on state complaints related to IFSPs if any exist over the relevant time period, or do we need to request those explicitly?

Thanks,
Todd

TERRIS, PRAVLIK & MILLIAN, LLP

A Public Interest Law Firm

Todd A. Gluckman | Attorney | 1816 12th Street, NW, Suite 303 | Washington, DC 20009
T: 202-204-8482 | F: 202-289-6795 | tgluckman@tmlaw.com | www.tmlaw.com

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[Mayor Muriel Bowser](#)

Exhibit 4

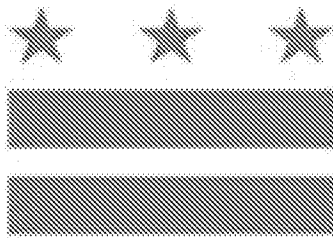
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Office of the Chief Financial Officer

Office of the Chief Financial Officer



Connect With Us

1350 Pennsylvania Avenue, NW, Suite 203, Washington, DC 20004

Phone: (202) 727-2476

Fax: (202) 727-1643

TTY: 711

Email: ocfo@dc.gov

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Office of Budget and Planning

Mission and Function

The mission of the Office of Budget and Planning (OBP) is to prepare, monitor, analyze, and execute the District government's budget, including operating, capital and enterprise funds in a manner that facilitates fiscal integrity and maximizes services to taxpayers. In carrying out its mission, it is essential that OBP provide high-quality customer service to our internal and external customers.

Key Responsibilities

The four major areas of operation in OBP are:

Executive Direction and Support -

- Provides leadership, technical assistance, and support services to Office of Budget and Planning staff and other District government personnel.
- Works closely with budget staff from the Mayor's office and the Council.
- Leads OBP's reporting and web publication efforts to provide citizens with information on District finances.

Operating Budget Formulation and Development -

- Provides the framework for formulation of the District's annual operating budget

- Publishes the operating budget on behalf of the Mayor and the District, and
- Executes the operating budget during the fiscal year.
- Monitors agency spending.
- Manages District-wide grant funds.
- Provides other Financial and budgetary services to the Mayor, Council, and other stakeholders to make uniformed decisions on allocations of District operating resources.

Capital Budget Formulation and Development -

- Provides the framework for formulation of the District's 6-year capital budget.
- Publishes the capital budget on behalf of the Mayor and the District, and executes the capital budget during the fiscal year.
- Provides detailed reviews of available capital financing, aligns such financing with the District's annual capital funds budget authority within the debt cap, and works with Treasury to requisition bond proceeds.
- Provides other Financial and budgetary services to the Mayor, Council, and other stakeholders to make uniformed decisions on allocations of District capital resources.

Financial Planning and Analysis -

- Monitors and analyzes budgetary activity. Reports on budget revisions and Intra-District modifications. Prepares Financial Status Reports.
- Coordinates and monitors the Financial Review Process. Provides technical support to the District's Anti-Deficiency Board.
- Provides support during the CAFR process and responds to audit requests. Provides tables and narrative for the bond issuance official statements.
- Prepares the five-year Financial Plan.
- Prepares labor compensation cost analysis.

Key Staff:

Gordon McDonald, Deputy Chief Financial Officer

Jim Spaulding, Associate Deputy Chief Financial Officer

Eric M. Cannady, Director for Budget Administration

David A. Clark, Director for Capital Improvements Program

Leticia Stephenson, Director for Financial Planning, Analysis, and Management Services

Contact Information:

Office of Budget and Planning

1350 Pennsylvania Avenue, NW, Suite 229

Washington, DC 20004

Phone: (202) 727-6234

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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

Terris, Pravlik & Millian, LLP

Plaintiff

vs.

Case Number _____

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.

Todd A. Gluckman

Clerk of the Court

Name of Plaintiff's Attorney

1816 12th Street, N.W.

By _____

Address

Washington, DC 20009

Deputy Clerk

202-204-8482

Date _____

Telephone

如需翻译, 请打电话 (202) 879-4828

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

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

번역을 원하시면, (202) 879-4828 로 전화주세요. የአግርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
 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

Terris, Pravlik & Millian, LLP

Demandante

contra

Número de Caso: _____

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.

Todd A. Gluckman

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

1816 12th Street, N.W.

Por: _____

Dirección

Subsecretario

Washington, DC 20009

202-204-8482

Fecha _____

Teléfono

如需翻译, 请打电话 (202) 879-4828

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

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

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የአግሮች 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 INFORMATION SHEET

Terris, Pravlik & Millian, LLP

Case Number: _____

vs

Date: 7/13/2020

The District of Columbia

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

Name: <i>(Please Print)</i> Todd A. Gluckman	Relationship to Lawsuit
Firm Name: Terris, Pravlik & Millian, LLP	<input type="checkbox"/> Attorney for Plaintiff
Telephone No.: 202-204-8482 Six digit Unified Bar No.: 1004129	<input type="checkbox"/> Self (Pro Se)
	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
Demand: \$ _____ Other: Injunctive Relief - production of documents

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: *(Check One Box Only)*

A. CONTRACTS

COLLECTION CASES

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

B. PROPERTY TORTS

- | | | |
|-----------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|---------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 32 Qui Tam |
| <input checked="" type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 33 Whistleblower |

II.

- | | | |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|----------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |



Attorney's Signature

7/13/2020

Date