

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

RICHARD MAZLOOM,<sup>1</sup>

Serve:

Anthony M. Conti  
CONTI FENN LLC  
36 South Charles Street  
Suite 2501  
Baltimore, Maryland 21201,

DAVID RANDOLPH,

Serve:

Anthony M. Conti  
CONTI FENN LLC  
36 South Charles Street  
Suite 2501  
Baltimore, Maryland 21201,

KHALELA DIXON,

Serve:

Anthony M. Conti  
CONTI FENN LLC  
36 South Charles Street  
Suite 2501  
Baltimore, Maryland 21201,

individually, and on behalf of all others  
similarly situated,

Plaintiffs

v.

KATHLEEN PATTERSON, in her personal  
capacity and official capacity as the District of  
Columbia Auditor,

Case Number: 2023-CAB-006009

**CLASS ACTION COMPLAINT**

<sup>1</sup> Pursuant to D.C. Sup. Ct. Civil Rule 10-I(b)(2), the plaintiffs have a reasonable basis to fear harassment or harm to themselves or their family and substituted their residence addresses with the address of their attorney, who is authorized to accept service on their behalf.

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Serve:

Kathleen Patterson  
717 14th Street, N.W.  
Washington, DC 20005,

and

Brian L. Schwalb  
Attorney General  
for the District of Columbia  
441 4th Street, N.W.  
Washington, DC 20001,

INGRID DRAKE, in her personal capacity and  
official capacity as an Audit Supervisor of the  
Office of the District of Columbia Auditor,

717 14th Street, N.W.  
Washington, D.C. 20005,

MACKENZIE MATTHEWS, in her personal  
capacity and official capacity as an Analyst of  
the Office of the District of Columbia Auditor,

717 14th Street, N.W.  
Washington, D.C. 20005,

and

ABIGAIL EDWARDS, in her personal  
capacity and official capacity as an Auditor of  
the Office of the District of Columbia Auditor,

717 14th Street, N.W.  
Washington, D.C. 20005,

and

THE DISTRICT OF COLUMBIA,

John Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004,

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Mayor Muriel Bowser  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004,

and

Brian L. Schwalb  
Attorney General  
for the District of Columbia  
441 4th Street, N.W.  
Washington, DC 20001,

Defendants.

### **CLASS ACTION COMPLAINT**

Plaintiffs Officer Richard Mazloom (“Officer Mazloom”), Sergeant David Randolph (“Sergeant Randolph”), Officer Khalela Dixon (“Officer Dixon”), individually and on behalf of all others similarly situated (collectively, the “Plaintiffs”), by and through their attorneys and pursuant to D.C. Superior Court Rule 23, hereby bring this class action lawsuit against the District of Columbia Auditor Kathleen Patterson, Audit Supervisor Ingrid Drake, Analyst Mackenzie Matthews, Auditor Abigail Edwards, in their personal and official capacities, and the District of Columbia (“District”) (collectively, the “Defendants”), seeking monetary damages, declaratory, injunctive and other relief arising out of Defendants’ illegal, defamatory and libelous conduct and willful invasion of Plaintiffs’ privacy and that of all other similarly situated individuals. In support of their Complaint, Plaintiffs state the following:

#### **I.** **Parties**

1. Officer Mazloom, Sergeant Randolph and Officer Dixon are District of Columbia employees who are sworn police officers employed by the Metropolitan Police Department (“MPD”). Pursuant to D.C. Superior Court Rule 10-I(b)(2), the Plaintiffs have used the

substitute addresses of undersigned counsel, who is authorized to accept service on their behalf, as Plaintiffs have a reasonable basis to fear harassment or harm to themselves and their families if their residence addresses are publicly disclosed.

2. Kathleen Patterson is the District of Columbia Auditor. The Auditor is the head of the Office of the District of Columbia Auditor (“ODCA”) and conducts certain limited annual audits “of the accounts and operations of the government of the District . . . .” D.C. Code § 1-204.55(b). The actions described in this Complaint to which Ms. Patterson engaged in went well beyond the necessary or anticipated scope of her employment, duties, and responsibilities, and constituted intentional torts and illegal conduct for which Ms. Patterson is personally responsible. Ms. Patterson works and is believed to reside in the District of Columbia.

3. Ingrid Drake is an Audit Supervisor employed by the District of Columbia, who works for the ODCA. The actions described in this Complaint to which Ms. Drake engaged in went well beyond the necessary or anticipated scope of her employment, duties, and responsibilities, and constituted intentional torts and illegal conduct for which Ms. Drake is personally responsible. Ms. Drake works and is believed to reside in the District of Columbia.

4. Mackenzie Matthews is an Analyst employed by the District of Columbia, who works for the ODCA. The actions described in this Complaint to which Ms. Matthews engaged in went well beyond the necessary or anticipated scope of her employment, duties, and responsibilities, and constituted intentional torts and illegal conduct for which Ms. Matthews is personally responsible. Ms. Matthews works and is believed to reside in the District of Columbia.

5. Abigail Edwards is an Auditor employed by the District of Columbia, who works for the ODCA. The actions described in this Complaint to which Ms. Edwards engaged in went

well beyond the necessary or anticipated scope of her employment, duties, and responsibilities, and constituted intentional torts and illegal conduct for which Ms. Edwards is personally responsible. Ms. Edwards works and is believed to reside in the District of Columbia.

6. The District is the Government for the District of Columbia. The District is responsible for all of the official acts of District of Columbia Auditor Patterson as well as all employees of the ODCA, including all four (4) individually named Defendants.

## **II.** **Jurisdiction and Venue**

7. This Court may exercise jurisdiction over the Defendants because the acts and omissions described herein occurred within the District of Columbia and in some respects are considered actions of the Government of the District of Columbia and its agents or agencies within its control.

8. Venue is proper in this Court because the acts and omissions described herein occurred within the District of Columbia and in some respects are considered actions of the Government of the District of Columbia and its agents or agencies within its control.

## **III.** **Factual Background**

9. Plaintiffs Officer Richard Mazloom, Sergeant David Randolph and Officer Khalela Dixon bring this action on behalf of themselves and on behalf of all others similarly situated.

10. This class action arises out of the improper, illegal and tortious conduct by the Defendants in improperly accessing private personnel records and information, compiling, drafting and publishing a report containing private personnel information as well as false and

deliberately misleading information about each named Plaintiff officer and thirty-three (33) other current or former MPD officers (collectively, the “Plaintiff Class”).

11. The Office of the District of Columbia Auditor (“ODCA”) is an independent agency within the District of Columbia. The ODCA is led, controlled and directed by Defendant Patterson.

12. Pursuant to the District of Columbia Home Rule Act, the ODCA conducts certain limited annual audits of “the accounts and operations of the government of the District.” D.C. Code § 1-204.55(b). The ODCA is not charged with, nor does it have any personnel authority over the MPD nor does it have jurisdiction over or any responsibility to review private personnel records or personnel decisions or the management of disciplinary actions of District agencies.

13. In undertaking the subject audit, the ODCA improperly demanded or gained access to private employee personnel records, which included the Plaintiff Class members’ records. This improper access has extended to personnel documents and records that are confidential and otherwise not subject to public disclosure, and were not the basis of a legitimate audit within the purview of the ODCA.

14. Even where access is authorized, D.C. law guarantees that sensitive or private documents obtained by the ODCA and the confidential information contained therein “shall remain subject to the underlying statutory restrictions and shall not be disclosed to the public.” D.C. Code § 1-301.44c(b) (emphasis added).

15. The ODCA has acknowledged its legal obligations to take all “necessary steps to safeguard all confidential and/or proprietary information obtained during [their] audits.” *See* About ODCA, OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR, available at <https://dcauditor.org/about-odca/> (last accessed September 20, 2023).

16. Moreover, ODCA’s own policies and procedures acknowledge that ODCA and its auditors must “[e]xercise honesty, objectivity, and diligence in the performance of their duties and responsibilities” and “[n]ot knowingly be part of any illegal or improper activity.” *See* Policies and Procedures Manual (June 2020), OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR, available at <https://dcauditor.wpenginepowered.com/wp-content/uploads/2020/06/OCDA.Policies.Procedures.June.2020.pdf> (last accessed September 20, 2023).

17. On October 6, 2022, Defendant Patterson, together with Defendants Ingrid Drake, Mackenzie Matthews, and Abigail Edwards, published an audit report titled “36 Fired MPD Officers Reinstated: Receive \$14 Million in Back Pay.” *See* **Exhibit 1** (“Report”).<sup>2</sup> The Report details several disciplinary matters in which sworn police officers were reinstated to their position with the Metropolitan Police Department (“MPD”) after it was determined that they had been wrongfully terminated. The Report was deliberately made sensational by the Defendants to gain media attention for their personal, professional and political benefit.

18. The Report publicly disclosed private and confidential information of thirty-six (36) current or former MPD officers. This private and confidential information contained in the Report included, among other things:

- a. the names of the sworn MPD officers who had been involved in disciplinary matters, linking their name to the discipline;
- b. additional allegations of misconduct against these named officers that was wholly separate from the termination matter that was the subject of the Report;
- c. private and confidential Office of Police Complaints (“OPC”) filings that related to the named officers;
- d. the results of private and confidential arbitration proceedings;

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<sup>2</sup> The Report is available online at: <https://dcauditor.org/report/mpd-personnel-settlement-report/> (last accessed September 20, 2023).

- e. the total amount of backpay privately awarded to, or privately agreed upon in a settlement for each wrongfully terminated officer; and
- f. the contents of private and confidential settlement agreements that the officers were a party to and for which the District has committed to maintain as confidential.

*See generally id.*

19. Regarding Plaintiffs Officer Richard Mazloom and Sergeant David Randolph, the Report unlawfully revealed their disciplinary history with the MPD, the results of private and confidential arbitration proceedings, as well as additional unconfirmed allegations against Officer Mazloom and Sergeant Randolph both by MPD and through OPC that were unrelated to the wrongful termination that was the subject of the Report. *Id.* at 67, 72. The Report further publicly disclosed the amount of backpay awarded by Arbitrators to Officer Mazloom and Sergeant Randolph as a result of their wrongful terminations. *Id.* This information was publicly disclosed despite clear statutory, regulatory, and administrative mandates against public disclosure of such information as well as the District's and the MPD's well-established past practice in protecting police officers' privacy rights.

**The Defendants' Improper Disclosures and Publication Violated D.C. Laws, Rules and Regulations**

20. Historically, the District has categorically refused to produce a police officer's personnel and disciplinary records and justified the refusals based on the officer's privacy rights and controlling D.C. law regarding the confidentiality of public employees' and police officers' personnel and disciplinary records. The District has consistently denied requests made for an officer's personnel and disciplinary records under the D.C. Freedom of Information Act ("DC FOIA"), citing the officer's fundamental right to privacy and taking the position that disclosing such information would result in an unwarranted invasion of the officer's right to privacy. In



this context, the District has recognized that even acknowledging whether or not responsive records *exist* would be a violation of the officer's right to privacy. The District has also relied on controlling D.C. law to further protect police officers' personnel and disciplinary files and rejected any efforts made to publicly disclose them.

21. The District's Code of Municipal Regulations ("DCMR") contains a litany of provisions that reinforce the well-established privacy guarantees for District employee personnel records. Specifically, 6-B DCMR § 3100 establishes the privacy and confidentiality of personnel records as follows: "All official personnel records of the District government shall be established, maintained, and disposed of in a manner designed to ensure the greatest degree of applicant and employee privacy." Section § 3111.4 provides that the District "shall not disclose a record from a system of personnel records without obtaining the prior written consent of the data subject." Section § 3112.9 further exempts from disclosure "[i]nvestigatory records compiled for law enforcement purposes" to the extent that production would "[c]onstitute an unwarranted invasion of personal privacy."

22. Section 3107 provides that each personnel authority "shall establish an Official Personnel Folder for each employee." Section 3113.6 mandates that "information required to be included in an Official Personnel Folder **shall not be available to the public.**" (emphasis added).

23. Consistent with the requirements contained in the DCMR, MPD General Order 201.19, which governs MPD "[e]mployee personnel records," states: "[o]fficial personnel records and files relating to employees of the Metropolitan Police Department (MPD) are treated as confidential and are protected from public disclosure." *See Exhibit 2* at 1 (General Order 201.19). General Order 201.19 further provides that the "policy of the Metropolitan Police

Department is to securely maintain and restrict access to employee personnel records and files.”  
*Id.*

24. Included within the official personnel records and files defined in General Order 201.19 are “Final Decision[s] of Adverse Actions.” *Id.* at 4. Notably, adverse action decisions “must be purged from the [Official Personnel File] . . . [t]hree (3) years from the effective date of the action.” *Id.* at 4. Moreover, General Order 201.19, Part IV, D(1), requires that adverse action records shall be kept “in locked filing cabinets” and electronic records “shall be stored on a secure server accessible to authorized persons only.” *Id.* at 5-6. General Order 201.19, Part IV, E, 2(b), further provides: “Only employees whose official duties required them to review information in personnel records shall be allowed access to personnel records. Unauthorized disclosure is punishable by disciplinary action and may also be subject to criminal penalties.” *Id.* at 7 (emphasis added).

25. The Defendants had access to, utilized and subsequently included such confidential information in the Report. By disclosing information contained in these personnel records, Defendants’ actions violated the DCMR, MPD General Orders, and D.C. Code § 1-301.44c(b), which mandates that documents obtained by the Auditor “shall remain subject to the underlying statutory restrictions and shall not be disclosed to the public or any third party unless permitted by that statute.” There is no statute, regulation, or other law that was in existence at the time of the publication of the Report that permitted the public disclosure of the subject personnel records of an employee of the MPD.

26. Further, the Defendants’ actions violated the District’s Home Rule Act which, in relevant part, guarantees District residents and employees the fundamental right to privacy. *See* D.C. Code § 1-203.02.

27. To that end, Defendants' decision to publish confidential information in the Report was ministerial, given that D.C. law affords the Defendants no discretion to exercise in protecting the confidentiality of this information. Defendants' inclusion of confidential information in the Report and subsequent publication did not involve the formulation of policy, nor did the release of the confidential information serve to advance any legitimate governmental objective. D.C. law leaves District employees, including the Defendants, no choice in keeping the subject records and information contained in the records confidential and private.

28. Additionally, given Defendants' unfettered access to confidential records and information concerning the Plaintiffs, the Defendants owed the Plaintiffs a special duty to safeguard the information contained therein and ensure that the information would not be publicly disclosed.

**The Defendants' Unlawful Release of Confidential Information and Provably False Statements Have Harmed and Will Continue to Harm the Plaintiffs**

29. The release by Defendants of Plaintiffs' confidential information has resulted and will result in unjust and unwarranted reputational and economic harm to the Plaintiffs and all members of the Plaintiff Class.

30. The unlawful release of officers' names, in conjunction with additional unproven allegations of misconduct, amounts of backpay received, and contents of confidential arbitration awards and information subject to confidential settlement agreements has also subjected the Plaintiffs and members of the Plaintiff Class to humiliation, invasion of privacy and severe emotional distress and will continue to cause this harm through the continued public availability of the Report.

31. In addition to unlawfully releasing confidential information, the Defendants also authored and published numerous false statements about the Plaintiffs and members of the Plaintiff Class.

32. For example, Defendants falsely stated that Plaintiff Officer Mazloom was the subject of five (5) OPC complaints and improperly and falsely stated that Officer Mazloom received "\$205,661.00" in backpay. *See Exhibit 1* at 15, 67. As to any OPC complaint against Officer Mazloom, the Defendants deliberately omitted reporting that Officer Mazloom was exonerated and cleared of any wrongdoing. Defendants also branded Officer Mazloom, as a matter of fact, a "Threat to Safety," a label which was fabricated as a proper noun by Defendants and was intended to cause direct harm to the reputation and character Officer Mazloom, as well as all others branded with the same false, disparaging and defamatory label. This label, in particular, has precluded Officer Mazloom from effectively continuing his community outreach efforts, which were a significant and substantial part of his professional and personal life.

33. As a result of Defendants' false and malicious statements, Officer Mazloom has suffered severe stress and anxiety, and feared extreme embarrassment in interactions with his peers and the public. Defendants' publication of the Report, including all false and improperly-disclosed information therein, as well as to factually label Officer Mazloom a "Threat to Safety," have jeopardized and compromised Officer Mazloom's current and future professional opportunities for advancement within the MPD and otherwise harmed his reputation in the community.

34. Additionally, Officer Mazloom has tested and is under consideration for a promotion to a Detective position. Officer Mazloom took an objective, multiple choice written examination for the promotion to Detective and was ranked first on the promotional list for

Detectives based on his score on the exam. After the publication of the Report, through the process of subjective evaluations, Officer Mazloom was lowered to the rank of 77 on the Detective promotional list. The MPD has published materials vaguely referencing the consideration of a member's "disciplinary action" as well as "administrative findings related to truthfulness in their background" as affecting a member's eligibility for promotion to Detective. Based on his initial ranking and the number of persons promoted to Detective, Officer Mazloom would have been promoted to Detective during the promotional process. As a result of Defendants' publication of the Report containing false and misleading information about him and references to disciplinary matters, Officer Mazloom's opportunity for a promotion has been compromised and, despite being otherwise qualified, he has not received a promotion based at least in part, if not exclusively, on the defamatory statements in the Report. Any employment prospects that Officer Mazloom had beyond his service with the MPD have been seriously compromised because the first Internet search result for Officer Mazloom highlights the Report and the false and malicious labelling of Officer Mazloom as a "Threat to Safety."

35. By further example, Defendants falsely stated that Sergeant Randolph was the subject of nine (9) separate incidents that Defendants characterized as "misconduct," despite the fact that the majority of these alleged incidents were simply unverified and unsustained complaints made to OPC. *Id.* at 15. OPC complaints are not evidence of *any* misconduct or *any* OPC findings, and these complaints, on their own, do not even rise to the level of a charge of misconduct. Defendants further relied on several OPC complaints which were never prosecuted or pursued by OPC and for which Sergeant Randolph was never even *charged* with any wrongdoing. Defendants deliberately constructed a false narrative concerning Sergeant

Randolph, who, despite Defendants' malicious attacks, chose to continue to serve as an officer with MPD.

36. Shortly after Defendants published the Report, however, Sergeant Randolph began receiving text messages, e-mails and phone calls regarding the Report and the allegations therein. In addition to causing Sergeant Randolph stress, embarrassment and anxiety, Defendants' decision to publish the Report has jeopardized and compromised Sergeant Randolph's current and future employment prospects within the MPD and beyond. Sergeant Randolph holds a master's degree in education. Sergeant Randolph tested and was under consideration for a promotion to a Lieutenant position. The criteria applied by the MPD to promote sergeants to lieutenants is believed to have caused the Department to factor in the false and defamatory disciplinary reporting by the Auditor's office as well as the recitation of complaints and prior investigations in serving to prevent Sergeant Randolph from being promoted to Lieutenant during the current promotional cycle. Sergeant Randolph's opportunity for a promotion has been compromised and, despite being otherwise qualified, he has not received a promotion based at least in part, if not exclusively, on the defamatory statements in the Report.

37. As an additional example, the Defendants falsely stated that Officer Dixon was the subject of seventeen (17) instances of "misconduct," and falsely stated that Officer Dixon received "\$137,423.00" in backpay. *Id.* at 15, 47. Several of the referenced instances relied upon by Defendants were merely complaints made to OPC which had no basis in fact, were never prosecuted or pursued by OPC and for which Officer Dixon was exonerated of any wrongdoing.

38. Moreover, the Defendants intentionally highlighted an “instance of misconduct” from February of 2009 for which Officer Dixon was never even *charged*. Following Defendants’ publication of the Report, and based, in particular, on Defendants’ deliberate decision to highlight this *specific* occurrence, Officer Dixon was the target of ridicule from her fellow officers and members of the public who relied on Defendants’ false and malicious statements and believed Officer Dixon to be a troubled and incompetent police officer. Officer Dixon has suffered, and continues to suffer, embarrassment, stress and anxiety from Defendants’ deliberate and malicious decision to publish false and misleading information about her.

39. Officer Dixon holds a master’s degree in public administration and public policy and has served as a police officer with MPD for more than eighteen (18) years. On March 8, 2021, the MPD even went out of its way to commend Officer Dixon in an official publication, stating “Officer Khalela Dixon has served our city with MPD for over 16 years, and is currently working in the Seventh District. Her genuine, caring personality and hard work in DC makes her a true #DCHEROS!” Beyond her commendable and outstanding employment history, years ago Officer Dixon personally started and continues to run a non-profit organization providing care for individuals experiencing homelessness in the District of Columbia. Officer Dixon tested for and was under consideration for a promotion to a Detective position. The MPD has published materials vaguely referencing the consideration of a member’s “disciplinary action” as well as “administrative findings related to truthfulness in their background” as affecting a member’s eligibility for promotion to Detective. As a result of Defendants’ publication of the Report containing false and misleading information about her and references to disciplinary matters, Officer Dixon’s opportunity for a promotion has been compromised and, despite being otherwise

qualified, she has not received a promotion based at least in part, if not exclusively on the defamatory statements in the Report.

40. The experiences and suffering of Plaintiffs Officer Mazloom, Sergeant Randolph, and Officer Dixon are representative and substantially similar to the experiences and suffering of all other named Officers in Defendants' Report and all members of the Plaintiff Class. Defendants' false statements have deliberately and unfairly painted Plaintiffs Officer Mazloom, Sergeant Randolph and Officer Dixon, as well as members of the Plaintiff Class, in a negative light in the eyes of the public. The very first Internet search result for each Plaintiff, for instance, immediately directs one to the Defendants' Report and the false statements. This means that anyone, including friends, family, co-workers, and future employers, upon searching each Plaintiff's name, will be deceived and led to believe false information about the Plaintiffs, and all members of the Plaintiff Class, as asserted by the Defendants in the Report.

41. Defendants also recklessly and maliciously branded many of the named officers, including Plaintiffs Officer Richard Mazloom and Sergeant David Randolph, as a matter of fact and with a proper noun as a "Threat to Safety." See **Exhibit 1** at 39. This defamatory label appears multiple times throughout the Report and finds no support in the D.C. Code, the DCMR, any MPD General Order, District of Columbia administrative manual, Generally Accepted Government Auditing Standards ("GAGAS") or the ODCA's own Policies and Procedures.

42. There is no legitimate governmental reason for the use of this label in an official audit report. Instead, the label is an intentional effort by the Defendants to wrongfully impugn certain police officers who were wrongfully terminated, thereby interfering with the officers' present and future employment prospects. The label was intended to create the false impression that a factual finding and/or conclusion has been reached by their employer as a result of



sustained misconduct, when in fact, there has never been such a conclusion or finding of fact reached.

43. As a result of being maliciously labeled as “Threats to Safety,” Plaintiffs and the other named officers in the Report have suffered, and will continue to suffer, reputational and economic harm. In addition to unjustly and arbitrarily maligning these officers, this label will place them at an immediate risk of serious bodily harm because the Report misleads the public into fearing that these officers are a “threat” to their safety, based on unsupported allegations, unstained charges and improperly administered discipline by the MPD that was overturned. Defendants’ actions will erode public trust in police officers, chill investigative efforts and incite retribution against police officers. These defamatory, libelous and dangerous actions were further magnified by Defendants’ invasion of privacy in releasing confidential and false information about Plaintiffs.

#### **Defendants’ Personal and Political Motivations and History of Anti-Police Bias**

44. Specifically, Defendants actions were motivated by their personal feelings about police officers as well as their own personal political ambitions and desires. The Defendants used District resources, as well as their official positions, authority, power and privilege as employees of the ODCA and the District, to further their personal views and political ambitions and interests.

45. Defendant Patterson’s anti-police beliefs and biases have coincided with her political career and personal ambitions. From 1995-2007, Defendant Patterson was a member of the D.C. Council representing Ward 3, where she often used her political position to attack the MPD and its sworn rank-and-file members. Defendant Patterson’s tendency to use her political power and authority to act upon her biases against police officers are even documented in

academic journals. See, e.g., Mary M. Cheh, *Legislative Oversight of Police: Lessons Learned from an Investigation of Police Handling of Demonstrations in Washington, D.C.*, 32 *Journal of Legislation* 176 at 24 (2005) (“[a]t many points along the way, the chair of the Judiciary committee, Councilwoman Kathy Patterson, had to negotiate, insist, threaten court action, and cajole [District and MPD] officials to respond and respond fully and promptly [to her investigation].”). Defendant Patterson then decided to run for chair of the D.C. Council, but ultimately lost.

46. In September of 2006, following her defeat, Defendant Patterson immediately sought to regain political power. It was widely reported, for example, that she was seeking a position within the Mayor’s office where she could refocus her attacks on MPD and sworn members of the department. See Martin Austerhuhle, *Patterson Gets Second Shot*, DCIST.COM, September 18, 2006, available at <https://dcist.com/story/06/09/18/patterson-gets/> (last accessed September 20, 2023) (“Patterson might be taking over as deputy mayor for public safety and justice. If we couldn’t have her on the council, this is the best possible alternative. Why? **Patterson has long been a critic of the District’s police and emergency services . . .**”) (emphasis added). On or about October 30, 2014, Defendant Patterson was nominated and subsequently confirmed as the D.C. Auditor.

47. Thereafter, Defendant Patterson immediately sought to expand her office’s jurisdictional power to target police officers and advance her personal agenda by, for example, advocating for the creation a brand-new unit within ODCA that would focus almost exclusively on police officers by conducting *additional* audits of the MPD. See Ambar Castillo, *D.C. Auditor Wants More Oversight of Police, Calls for a New Jail*, WASHINGTON CITY PAPER, March

23, 2022, available at <https://washingtoncitypaper.com/article/552141/d-c-auditor-wants-more-oversight-of-police-calls-for-a-new-jail/> (last accessed September 20, 2023).

48. Indeed, the Defendants strategically chose to release the Report on October 6, 2022 to advance Defendant Patterson's personal and political motivations. Defendant Patterson's then-current term as D.C. Auditor was set to expire on February 25, 2023, a mere four (4) months later. In order to secure her reappointment for *another* six-year term, Defendant Patterson sought to take any and all steps necessary to secure political favor with the D.C. Council and the public. To that end, Defendant Patterson, in concert with Defendant Drake, Defendant Matthews, and Defendant Edwards, are believed to have deliberately timed the release of the Report on October 6, 2022. Defendant Patterson has publicly acknowledged that it was her intention and to her personal satisfaction that the Report gained significant media attention. Defendant Patterson was successful in her goal of being reappointed as the D.C. Auditor, where she will serve until February 25, 2029.

49. Defendant Patterson has long known of the power in strategically phrasing and releasing an audit report in a way that ensures it will garner the most attention for her and for the ODCA. See Kathleen Patterson, *If It Bleeds It Leads*, OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR, January 13, 2020, available at <https://dcauditor.org/auditide/if-it-bleeds-it-leads/> (last accessed September 20, 2023) ("I know that when ODCA produces an audit report that does NOT call for someone to be drawn and quartered it will be a very tough sell to the journalism outlets that cover District news.").

50. On October 6, 2022, on her LinkedIn profile, Defendant Matthews touted the Report as "timely" and "impactful." Defendant Matthews further identified herself as the "[p]rimary author and project manager" of the Report.

51. On January 30, 2023, during her reappointment hearing, Defendant Patterson explicitly identified the Report and bragged about how the Report had brought “greater visibility” as well as public and media engagements. In doing so, Defendant Patterson made clear that the Report was released not for any legitimate governmental purpose, but rather to glorify Defendant Patterson and to increase her own personal power and standing in the District of Columbia.

52. Additionally, Defendant Drake carries a history of supporting anti-police views that suggest a desire to act and use her position in furtherance thereof. Defendant Drake has publicly supported numerous anti-police activist organizations, including the groups Critical Resistance and Color of Change. Critical Resistance is a radical group whose mission is to “dismantle the systems of policing” and expressly advocates for “strategies” for defunding police departments. Critical Resistance aims to utilize the support of its members and followers, like Defendant Drake, to “abolish” policing. To that end, Critical Resistance publishes extensive “resources” and other materials to be used by its members and followers to take action on their radical anti-police beliefs. Similarly, Color of Change advocates for anti-police policies, including defunding movements.

53. Moreover, on or about October 6, 2022, Defendant Patterson, immediately following the unlawful release of the Report, stated to several media outlets that “[w]e have had individuals come back on the force who a reasonable man or woman in the street would say, ‘I don’t want that person carrying a gun on my behalf. . . . We are trying to hire and retain and train the very best police force we can, and we are not quite there yet.’”

54. Defendants’ anti-police biases, Defendant Patterson’s desire for increased political power at the expense of police officers and Defendant Patterson’s express statements,

together with the provably false statements contained within the Report, demonstrate that Defendants' intent in publishing the Report was malicious and was designed to injure Plaintiffs' reputations within their trade, profession, communities and their personal relationships by making Plaintiffs appear as odious, infamous and/or dangerous. In Defendant Patterson's own words, her Report was intended to "call for someone to be drawn and quartered" so that it would be covered by "the journalism outlets that cover District news." Defendant Patterson's false and misleading statements in her office's Report were thus intended to cause real and substantial harm to the Plaintiffs so that she and her office could be glorified by the media at the Plaintiffs' expense.

#### **IV.** **Class Action Allegations**

55. Paragraphs 1-54 of this Complaint are restated and fully incorporated herein.

56. The named Plaintiffs, Officer Mazloom, Sergeant Randolph and Officer Dixon bring this action on behalf of themselves and all others similarly situated (collectively, the "Plaintiff Class"). The Plaintiff Class consists of all named Officers in Defendants' Report. In total, the Plaintiff Class comprises thirty-six (36) individuals. All of the Plaintiff Class members timely provided the District with advance notice of their claims for unliquidated damages, to which the District acknowledged receipt, sought and received follow-up information, but ultimately failed to provide a response.

57. The requirements of D.C. Rule 23(a), (b)(1), (b)(2) and (b)(3) are met as to the Plaintiff Class for the following reasons:

Rule 23(a)

- a. Rule 23(a)(1)'s numerosity requirement is satisfied because, at thirty-six (36) members, the class is so numerous that joinder of all members of the Plaintiff Class is impractical.
- b. Rule 23(a)(2)'s commonality requirement is satisfied because there are common questions of law and fact shared by all members of the Plaintiff Class. Namely, *inter alia*, Defendants' tortious and malicious actions in compiling, drafting and publishing the Report have categorically invaded the privacy of, and defamed and tortiously interfered with the professional and business interests of all members of the Plaintiff Class in a similar way through the publication of the same categories of material and information for each officer. The claims will be measured on the same legal standard based on the same publication and the same actions. The Defendants will likely raise the same or common defenses to all of claims and base these defenses on the same legal arguments.
- c. Rule 23(a)(3)'s typicality requirement is satisfied because the claims of the Plaintiffs Officer Mazloom, Sergeant Randolph and Officer Dixon, are typical of all members of the Plaintiff Class because each of the named Plaintiffs is named in the Report. Each of the named Plaintiffs suffered the typical categories of reputational harm and mental distress that was foreseeable as a result of the publication of the Report. Further, the Report, as written and published by Defendants, discloses the same categories of confidential and/or

false information about each named Plaintiff as well as all members of the Plaintiff Class.

- d. Rule 23(a)(4)'s adequacy requirement is satisfied because the named Plaintiffs will fairly and adequately represent the interests of the Plaintiff Class. The Plaintiffs, along with all members of the Plaintiff Class, are members or former members of the MPD and have no interests that are antagonistic to those of the other members of the Plaintiff Class. The Plaintiffs are represented by counsel with significant litigation experience of this type on behalf of countless sworn rank-and-file members of the MPD and regularly litigates matters throughout the administrative bodies of D.C. Government and the Courts on behalf of sworn police officers.

Rule 23(b)

- a. Rule 23(b)(1) is satisfied because the prosecution of multiple separate actions by members of the Plaintiff Class would create a risk of incompatible or inconsistent rulings that will serve to guide the standards of conduct applicable to the Defendants. Further, multiple separate actions by members of the Plaintiff Class could substantially impair or impede the ability of other members to protect their interests and could be dispositive of these interests.
- b. Rule 23(b)(2) is satisfied because the Defendants have acted, continue to act and refuse to act on grounds generally applicable and shared by the Plaintiffs and all members of the Plaintiff Class. Final injunctive or declaratory relief concerning the actions and inactions of Defendants will, accordingly, affect the Plaintiff Class as a whole.

c. Rule 23(b)(3) is satisfied because common facts and questions of law predominate over any minor facts or questions of law affecting only individual members of the Plaintiff Class. Additionally, a class action is the superior vehicle as to all other methods available for adjudicating this controversy fairly and efficiently. No litigation has begun yet by any individual members concerning this controversy, and common questions of law and material facts predominate so strongly over the Plaintiff Class that a class action is the superior method for adjudicating this controversy.

**Count I**  
**Invasion of Privacy-False Light**  
**Against All Defendants**

58. Paragraphs 1-57 of this Complaint are restated and fully incorporated herein.

59. Defendant Patterson, in concert with Defendants Ingrid Drake, Mackenzie Matthews, and Abigail Edwards, compiled, wrote and subsequently published the Report, which contained false statements and representations about Plaintiffs which have placed Plaintiffs in an offensive and false light in the public eye, subjecting them to ridicule, scorn, embarrassment, stress and anxiety, and substantial reputational harm.

60. Unsustained allegations of misconduct, for example, carry no probative value. The same is true for mere *complaints* filed with OPC, particularly where, as here, those complaints do not result in any charges against an officer. Indeed, OPC does not publicly publish complaints filed against MPD officers for this very reason. Moreover, even if OPC sustains allegations against an MPD officer, OPC's published merits determination does not disclose the name(s) of the MPD officer(s) involved and against whom allegations were



sustained. Thus, the District agency that processes these complaints recognizes the legal requirement to maintain the confidentiality of the materials and information at issue.

61. Additionally, Defendants' branding of Plaintiff Officer Mazloom and other members of the Plaintiff Class as a matter of fact as "Threats to Safety" is baseless and intentionally malicious. As the Report concedes, the cases relied upon for this false and malicious label have been overturned, reversed or otherwise corrected. Thus, this label falsely imputes onto the Plaintiffs that they are engaging in illegal or improper conduct and that, as a matter of fact, the Plaintiffs are a threat to the safety of District residents.

62. As such, Defendants' conduct towards the Plaintiffs and the Plaintiff Class would be seen as unreasonable, malicious and offensive to any ordinary, reasonable person.

63. The Defendants' decision to publish this information served no purpose other than to mislead the public into thinking that these officers were found guilty of misconduct, when exactly the opposite is true. The predictable certainty that the public would misinterpret this information was experienced firsthand by Plaintiffs Officer Mazloom, Sergeant Randolph and Officer Dixon, as well as all other members of the Plaintiff Class.

64. Indeed, the Defendants' decision to publish the Report and, specifically, to include this prohibited information, was motivated by their own personal anti-police biases as well as their personal and political agendas.

65. Plaintiffs and all members of the Plaintiff Class have suffered, and will continue to suffer, severe humiliation, emotional distress and economic harm as a result of Defendants' invasion of their privacy.

66. Some of the actions of the individual Defendants were conducted within the scope of their employment, while others were outside the scope of employment, making the District

liable as well as the individual Defendants liable for the harm and damages that they caused the Plaintiffs to sustain.

67. Accordingly, the Defendants are liable to Plaintiffs for their invasion of Plaintiffs' privacy and placing Plaintiffs in a false light.

68. Further, Plaintiffs are entitled to punitive damages based on the intentional, unreasonable and egregious nature of Defendants' conduct.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement retracting the Report and acknowledging the erroneous aspects of the Report as well as the unlawfulness of its publication. Plaintiffs further request this Court award Plaintiffs compensatory and punitive damages, in an amount to be determined at trial in this matter but no less than \$1,000,000 for each Plaintiff as well as an appropriate award of punitive damages.

**Count II**  
**Invasion of Privacy – Public Disclosure of Private Facts**  
**Against All Defendants**

69. Paragraphs 1-68 of this Complaint are restated and fully incorporated herein.

70. Police officers' personnel records are strictly confidential and protected from public disclosure pursuant to 6-B DCMR § 3113.6, MPD General Order 201.19 and D.C. Code § 1-301.44c, *inter alia*.

71. Defendant Patterson, in concert with Defendants Ingrid Drake, Mackenzie Matthews, and Abigail Edwards, deliberately publicized confidential information contained within Plaintiffs' and the Plaintiff Class's personnel records in the Report directly to the public

and other third parties through numerous channels on October 6, 2022. The Report remains publicly available on the Auditor's website as well as news media, blogs and other websites, and the individual Defendants have personally promoted and/or disseminated the Report.

72. Defendants knew or should have known that this information was confidential under D.C. law, and that releasing such information would violate D.C. law.

73. At no point did the named Plaintiffs or any member of the Plaintiff Class consent to the publication of their confidential information or otherwise waive their right to object to their private and personal information being publicized by Defendants. Further, the named Plaintiffs and members of the Plaintiff Class were never contacted or otherwise advised by Defendants as to the impending publications of the Report and were never given an opportunity to object to the publication.

74. Publicizing the disputed information and identifying the specific Officers and their personnel records and histories served no purpose other than to mislead the public into thinking that these officers have been found guilty of misconduct, when exactly the opposite was true. The predictable certainty that the public would misinterpret the published information was experienced firsthand by Plaintiffs Officer Mazloom, Sergeant Randolph and Officer Dixon, as well as all other members of the Plaintiff Class.

75. Plaintiffs, like all employees and residents of the District of Columbia, enjoy substantive due process rights through Constitutional guarantees as embraced by the District's Home Rule Act, including a fundamental right to privacy. *See* D.C. Code § 1-203.02. Indeed, the District has routinely relied upon this recognized right in denying FOIA requests for police officers' disciplinary records. Moreover, the District has consistently refused to even identify

the *existence* of complaints or investigations of misconduct, acknowledging that doing so would constitute a clearly unwarranted invasion of the officers' personal privacy.

76. Defendants' actions violated Plaintiffs' and other named officers' fundamental right to privacy through the publication of the Report which contained confidential information regarding officers' personnel records and disciplinary files.

77. Indeed, the Defendants' decision to do so was motivated by their own personal anti-police biases as well as their personal and political agendas.

78. Plaintiffs and the other named officers in the Report have suffered, and will continue to suffer, severe humiliation, emotional distress, reputational harm and economic harm as a result of Defendants' invasion of their privacy.

79. Some of the actions of the individual Defendants were conducted within the scope of their employment, while others were outside the scope of employment, making the District liable as well as the individual Defendants liable for the harm and damages that they caused the Plaintiffs to sustain.

80. Accordingly, the Defendants are liable to the named Plaintiffs and members of the Plaintiff Class for their invasion of privacy and the public disclosure of private facts.

81. Further, Plaintiffs are entitled to punitive damages based on the unreasonable and egregious nature of Defendants' conduct.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement retracting the Report and acknowledging the erroneous aspects of the Report as well as the unlawfulness of its publication. Plaintiffs further request this Court award Plaintiffs

compensatory and punitive damages, in an amount to be determined at trial in this matter but no less than \$1,000,000 for each Plaintiff as well as an appropriate award of punitive damages.

**Count III**  
**Defamation (Libel)**  
**Against All Defendants**

82. Paragraphs 1-81 of this Complaint are restated and fully incorporated herein.

83. Defendants are liable to Plaintiffs for defamation (libel) because Defendants: 1) made false and defamatory statements concerning the Plaintiffs; 2) published the false and defamatory statements to third parties without privilege; 3) acted with actual malice in publishing the statements; and 4) the defamatory statements caused Plaintiffs special harm in the form of severe humiliation, emotional distress, reputational and economic harm.

84. The Defendants Patterson and Drake have demonstrated anti-police bias and beliefs, and Defendant Patterson has used her various offices and positions to unfairly target police officers and Drake has publicly supported anti-police causes.

85. On October 6, 2022, the Defendants published the Report to a number of third parties, including the public at large. The Report remains publicly available on the Auditor's website and through various other media outlets and has been promoted by Defendants personally.

86. In the Report, Defendants make several statements of fact, labelling members of the Plaintiff Class, including Plaintiff Officer Mazloom, as "Threats to Safety." *See generally Exhibit 1.*

87. These statements are baseless and are intentionally malicious; the only reasoning offered in the Report by Defendants is that a generic reference to certain categories of officer

cases. As the Report even concedes, however, these cases relied upon for the maliciously false factual label have been overturned, reversed or otherwise corrected.

88. Defendants falsely stated that Plaintiff Sergeant Randolph was the subject of nine (9) instances of “misconduct,” even though the majority of the instances cited by the Defendants were merely complaints made to OPC for which Sergeant Randolph was never charged with any wrongdoing.

89. Defendants falsely stated that Plaintiff Officer Dixon was the subject of seventeen (17) instances of “misconduct.” However, several of the instances cited by the Defendants were merely complaints made to OPC for which Officer Dixon was never charged with any wrongdoing. Defendants knew or should have known that these statements were false before they made them.

90. The Defendants could not have reasonably believed that they could lawfully publish these false statements, nor could Defendants have reasonably believed that they could lawfully publish Plaintiffs’ confidential, personal information. Indeed, the Defendants sought and obtained nearly unfettered access to District personnel records and documents, including OPC complaints and other accompanying documents which would have demonstrated the falsity of their own statements to them before the publication of the Report. The Defendants, accordingly, either knew their statements were false or acted with reckless indifference and disregard for their falsity.

91. Defendants’ actual malice is further evidenced when the Report is considered in light of their history of anti-police bias and beliefs, as well as Defendant Patterson’s political ambitions and personal motivations for publishing the Report.

92. Additionally, the Report was strategically and deliberately released by the Defendants at a time when Defendant Patterson needed to secure support for her reappointment as the D.C. Auditor, and her push for expanded jurisdiction and enhanced political power. The Defendants had no differing motivation to release the Report, and the false statements of fact contained therein, other than their own personal and political interests.

93. The referenced examples of allegations and information contained within the Report regarding these members of the Plaintiff Class and these cases are, as a matter of fact and as a matter of law, incorrect and demonstrably false.

94. The Report is replete with *additional* provably false statements of fact, such as erroneous citations to numerically-expressed instances of alleged misconduct or other errors of fact. The Report further deliberately omits many material facts, such as the fact that many of the investigations labeled as misconduct were not instances of misconduct whatsoever, or were investigations/allegations for which the Officers were completely and totally exonerated. The Report contains false references to specific monetary amounts officers received in confidentially settled matters or otherwise contained inaccurate description of what was provided to the officer in the form of ordered or settled forms of relief.

95. The Defendants, in compiling, writing and publishing the Report, knew that these allegations were false and misleading, and/or acted with reckless disregard for whether the allegations were false, yet deliberately and maliciously chose to proceed and baselessly state that Officer Mazloom and other members of the Plaintiff Class were “Threats to Safety,” or implied or alleged that they engaged in serial misconduct throughout their careers.

96. These provably false statements serve only to intentionally and deliberately impugn the reputations of Plaintiffs and the Plaintiff Class and to injure their reputations within

their trade, profession, communities, and personal relationships. The statements serve to make Plaintiffs appear odious, infamous and/or dangerous.

97. Additionally Defendant Patterson's statements that "[w]e have had individuals comeback on the force who a reasonable man or woman in the street would say, 'I don't want that person carrying a gun on my behalf. . . . We are trying to hire and retain and train the very best police force we can, and we are not quite there yet,'" along with the provably false statements contained within the Report and history of anti-police bias, demonstrate that Defendants knowingly published these false statements to injure Plaintiffs' reputations within their trade, profession, communities and their personal relationships by making Plaintiffs appear as odious, infamous and/or dangerous.

98. In fact, Plaintiffs and all members of the Plaintiff Class have suffered and will continue to suffer economic and reputational harm as a result of Defendants' defamatory statements. Plaintiffs and all members of the Plaintiff Class have suffered special economic and reputational harm because of their status and profession as police officers sworn to protect and serve the public. Defendants' defamatory statements further undermine Plaintiffs' critical, unique role as public servants.

99. Some of the actions of the individual Defendants were conducted within the scope of their employment, while others were outside the scope of employment, making the District liable as well as the individual Defendants liable for the harm and damages that they caused the Plaintiffs to sustain.

100. Further, Plaintiffs are entitled to punitive damages based on the malicious, unreasonable and egregious nature of Defendants' conduct.



101. Accordingly, Defendants are liable to Plaintiffs and the Plaintiff Class for their defamatory statements.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement retracting the Report and acknowledging the erroneous aspects of the Report as well as the unlawfulness of its publication. Plaintiffs further request this Court award Plaintiffs compensatory and punitive damages, in an amount to be determined at trial in this matter but no less than \$1,000,000 for each Plaintiff as well as an appropriate award of punitive damages.

**Count IV**  
**Defamation (Libel) Per Se**  
**Against all Defendants**

102. Paragraphs 1-101 of this Complaint are restated and fully incorporated herein.

103. Defendants are liable to Plaintiffs for libel *per se* because the false and defamatory statements published by Defendants wrongfully accuse Plaintiffs of engaging in the commission of criminal offenses in connection with their employment as police officers.

104. In the Report, which was written and published by the Defendants on or about October 6, 2022, the Defendants state, *inter alia*, that the Plaintiffs' cases "include risk of harm to persons through action or inaction, such as physical and sexual violence, mishandling firearms, or compromising evidence related to an arrest," all of which are misdemeanors or felonies under the D.C. Code. *Id.* at 10.

105. These statements are only capable of one (1) interpretation: that the Plaintiffs allegedly engaged in the foregoing illegal, criminal conduct in connection with their employment as police officers.

106. These statements are demonstrably false because none of the Plaintiffs have committed any of these crimes or offenses.

107. Accordingly, Defendants' false and defamatory statements are actionable *per se* because they accuse Plaintiffs of engaging in the omission of criminal offenses in connection with their employment as police officers. The statements, on their face, impute criminal activity and violations of law onto the Plaintiffs and members of the Plaintiff Class.

108. The Defendants could not have reasonably believed that they could lawfully publish these false statements, nor could Defendants have reasonably believed that they could lawfully publish Plaintiffs' confidential, personal information. Indeed, Defendants enjoyed nearly unfettered access to District records and documents, including OPC complaints and accompanying documents, which would have demonstrated the falsity of their statements to them before Defendants published the Report. Defendants, accordingly, either knew their statements were false or acted with reckless indifference and disregard for their falsity, and had no reasonable ground for making these defamatory statements.

109. Plaintiffs and all members of the Plaintiff Class have suffered and will continue to suffer economic and reputational harm as a result of Defendants' defamatory statements. Plaintiffs and all members of the Plaintiff Class have suffered special economic and reputational harm because of their status and profession as police officers sworn to protect and serve the public. Defendants' defamatory statements further undermine Plaintiffs' critical, unique role as public servants.

110. Additionally, the Report was strategically and deliberately released by the Defendants at a time when Defendant Patterson needed to secure support for her reappointment as the D.C. Auditor and her efforts to expand her personal and official powers. The Defendants

had no good faith or legitimate motivation to release the Report, and to publish the false statements contained therein, other than their own personal and political interests.

111. Some of the actions of the individual Defendants were conducted within the scope of their employment, while others were outside the scope of employment, making the District liable as well as the individual Defendants liable for the harm and damages that they caused the Plaintiffs to sustain.

112. Further, Plaintiffs are entitled to punitive damages based on the unreasonable and egregious nature of Defendants' conduct.

113. Accordingly, Defendants are liable to Plaintiffs for their libelous conduct.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement retracting the Report and acknowledging the erroneous aspects of the Report as well as the unlawfulness of its publication. Plaintiffs further request this Court award Plaintiffs compensatory and punitive damages, in an amount to be determined at trial in this matter but no less than \$1,000,000 for each Plaintiff as well as an appropriate award of punitive damages.

**Count V**  
**Intentional (Tortious) Interference with Business Interests**  
**Against All Defendants**

114. Paragraphs 1-113 of this Complaint are restated and fully incorporated herein.

115. Defendants are liable to Plaintiffs for intentional interference with business interests because, at the time Defendants published the Report: 1) Plaintiffs enjoyed valid business and professional relationships as police officers employed by the MPD as well as

through working authorized outside employment for other entities, individuals or organizations; 2) Defendants knew of these relationships; 3) Defendants intentionally interfered with these relationships by publishing false, defamatory and misleading statements about the Plaintiffs in their official capacity; and 4) Plaintiffs have suffered, and will continue to suffer, personal, professional and economic harm as a result of Defendants' tortious conduct, including a significant and substantial impairment of future business interests or opportunities based on the continuing publication of the Report by Defendants.

116. First, the Plaintiffs and certain members of the Plaintiff Class were gainfully employed as police officers with the MPD when Defendants published the Report. Plaintiffs were also authorized to perform and did perform outside employment with and for other entities, organizations or individuals. Members of the Plaintiff Class who are no longer MPD employees have had their prospects for new or continued employment impeded and/or placed in jeopardy. Plaintiffs Officer Mazloom, Sergeant Randolph and Officer Dixon remain employed by MPD and are all under consideration for promotions. They all possess exemplary qualifications, including their educational and employment history, and had a reasonable expectation that they would be promoted in the near future. They have also worked or had permission to work outside employment or volunteer services in their communities.

117. Second, Defendants necessarily knew that Plaintiffs and members of the Plaintiff Class were employed as police officers, worked in and served their communities, and that the Plaintiffs were eligible for promotions, given Defendants' access to, review of and publication of Plaintiffs' personnel records and the information contained therein.

118. Third, knowing Plaintiffs' employment status and the impact publishing the Report would have on their professional interests and reputations, Defendants' intentionally

branded Plaintiff Officer Mazloom and other members of the Plaintiff Class as “Threats to Safety,” and guilty of repeated misconduct, which was a clear attempt to undermine their current professional position, or any future positions they may hold within or outside of MPD.

119. Defendants knew that publishing these false, defamatory and misleading statements about Plaintiffs and members of the Plaintiff Class would impair each member’s current and future professional employment prospects as police officers and/or within the law enforcement field, within MPD and otherwise through outside employment or community volunteer efforts. The Defendants specifically intended for the Plaintiffs to suffer this result.

120. Fourth, the Plaintiffs and all members of the Plaintiff Class have suffered reputational, economic and emotional harm as a result of Defendants’ intentional interference with their business interests. Plaintiffs will face impediments to receiving promotions and their prospects for career advancement have been compromised because of Defendants’ conduct. This will cause additional economic harm to Plaintiffs in the form of lost wages, benefits and retirement income as well as harm to Plaintiffs’ professional reputations and future prospects of employment. Additionally, Plaintiffs, including Plaintiff Office Mazloom, can no longer conduct community outreach efforts as part of their professional responsibilities due to the publication of the Report and the false labelling of officers as “Threats to Safety” or as otherwise guilty of repeated misconduct and/or criminal behavior, when the exact opposite is true.

121. Additionally, by publicly labeling Officer Mazloom and other members of the Plaintiff Class as “Threats to Safety,” Defendants sought to pressure their employer, MPD, to demote, terminate or otherwise take adverse employment action against these officers. Further, Defendants sought to forever brand Officer Mazloom and other members of the Plaintiff Class

such that any future employers would be dissuaded from hiring, promoting or otherwise taking positive employment action in their favor.

122. Indeed, Defendants' deliberate decision to publish false and misleading information about the Plaintiffs and members of the Plaintiff Class, to specifically and unnecessarily identify the officers by name, and to label Plaintiff Officer Mazloom and other members of the Plaintiff Class as "Threats to Safety," was a deliberate attempt to sabotage Plaintiffs' present and future economic and professional interests. These labels and the publication of the Report was intended to impede the officers' ability to work outside employment for third parties, engage in community outreach efforts outside of their MPD employment, and to obtain future employment.

123. Some of the actions of the individual Defendants were conducted within the scope of their employment, while others were outside the scope of employment, making the District liable as well as the individual Defendants liable for the harm and damages that they caused the Plaintiffs to sustain.

124. Accordingly, Defendants are liable to Plaintiffs for intentional interference with business interests.

125. Further, Plaintiffs are entitled to punitive damages based on the unreasonable and egregious nature of Defendants' conduct.

WHEREFORE, Plaintiffs request that the Court enter judgment in its favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement retracting the Report and acknowledging the unlawfulness of the Report. Plaintiffs further

request this Court award Plaintiffs compensatory and punitive damages, in an amount to be determined at trial in this matter but no less than \$1,000,000.

**Count VI**  
**Negligence *Per Se* for Violations of 6-B DCMR § 3113.6 and D.C. Code § 1-301.44c**  
**Against All Defendants**

126. Paragraphs 1-125 of this Complaint are restated and fully incorporated herein.

127. Police officers' personnel records are strictly confidential and protected from public disclosure pursuant to 6-B DCMR § 3113.6 and D.C. Code § 1-301.44c. As such, the information in these records is not available from any public or third-party source. District employees who are provided access to this confidential information owe a duty of care to the employee(s) whose records are accessed to fully maintain the privacy of the records themselves and/or the information contained therein.

128. In fact, the District, through MPD officials, has acknowledged this standard of care in its repeated denial of FOIA requests seeking police officers' personnel and disciplinary records. The District, through MPD officials, have asserted and relied on the officer's fundamental right to privacy and the position that disclosing such information would result in an unwarranted invasion of the officer's right to privacy. In this context, the District has also recognized that even acknowledging whether or not responsive records *exist* would be a violation of the officer's right to privacy. The District has also relied on controlling D.C. law to further protect police officers' personnel and disciplinary files and rejected any efforts made to publicly disclose them.

129. Nonetheless, Defendant Patterson, in concert with Defendants Ingrid Drake, Mackenzie Matthews, and Abigail Edwards, included information contained within officers'

personnel records in the Report, which was then made publicly available when it was published on October 6, 2022. Defendants released the Report directly to the public and other third parties through numerous channels, and the Report remains publicly available on the Auditor's website.

130. D.C. Code § 1-301.44c provides that any and all documents or information obtained by a District agency, including the Office of the D.C. Auditor, "shall remain subject to the underlying statutory restrictions and shall not be disclosed to the public or any third party . . . ." 6-B DCMR § 3113.6 provides that information contained in an employees' personnel folder, including Plaintiffs' personnel folders, "shall not be available to the public."

131. Accordingly, D.C. Code § 1-301.44c establishes a specific standard of care for how the Auditor and Defendants must handle information and documents which are subject to other statutory or regulatory confidentiality protections.

132. Defendants had a statutorily-imposed duty to refrain from disclosing or publishing Plaintiffs' personnel records and to avoid intentionally or inadvertently disclosing the records or any information contained therein.

133. Defendants violated this duty by intentionally, publicly disclosing the Plaintiffs' confidential information protected by these statutes and regulations. Defendants failed to take reasonable steps or exercise due diligence to confirm what information in the Report, if any, was publicly available and what information was private. Defendants knew or should have known that publishing the Report, which contained information found in Plaintiffs' personnel records, would result in the disclosure of statutorily-protected confidential information.

134. The Defendants' breach caused Plaintiffs and all members of the Plaintiff Class to be subjected to ridicule, scorn, embarrassment, stress and anxiety, and substantial reputational harm as a result of Defendants' publication of the Report. Additionally, Plaintiffs have suffered



or will likely suffer economic harm in the form of denied promotions and other professional opportunities.

135. Some of the actions of the individual Defendants were conducted within the scope of their employment, while others were outside the scope of employment, making the District liable as well as the individual Defendants liable for the harm and damages that they caused the Plaintiffs to sustain.

136. Defendants are liable to Plaintiffs for their *per se* negligent conduct based on Defendants' violations of D.C. Code § 1-301.44 and 6-B DCMR § 3113.6.

WHEREFORE, Plaintiffs request that the Court enter judgment in its favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement retracting the Report and acknowledging the unlawfulness of the Report. Plaintiffs further request this Court award Plaintiffs compensatory in an amount to be determined at trial in this matter but no less than \$1,000,000.

**VII.**  
**Violation of Due Process and the District of Columbia Home Rule Act**  
**Against All Defendants**

137. Paragraphs 1-136 of this Complaint are restated and fully incorporated herein.

138. All employees of the District of Columbia enjoy due process rights which safeguard both procedural fairness and due process as well protect their liberty and property interests in continued employment and promotion within their positions with the District of Columbia government.

139. The District of Columbia Home Rule Act, D.C. Code § 1-203.02 provides that “the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this chapter subject to all the restrictions and limitation imposed upon the states by the 10th section of the 1st article of the Constitution of the United States.”

140. Defendant Patterson, in concert with Defendants Ingrid Drake, Mackenzie Matthews, and Abigail Edwards, violated the Plaintiffs’ procedural due process rights when they caused the subject Report to be published on October 6, 2022. The Report was intended to be widely covered by the media and the Defendants made additional and independent efforts to publicize and further comment or elaborate on the Report. Defendants released the Report directly to the public and other third parties through numerous channels. The Report remains publicly available on the Auditor’s website as well as various news media outlets, blogs and other websites.

141. The Defendants’ Report and other comments to the media and other third parties deprived the Plaintiffs of liberty and property interests to which they had a legitimate claim to entitlement. The Plaintiffs have lost or been passed over for promotions that they otherwise would be entitled to receive from the MPD, have been unable to continue with their community service-based efforts and have had their professional reputations damaged based on the false statements and misrepresentations contained within the Report.

142. The Plaintiffs were not provided any advance notice of the publication of the Report; were not interviewed by any of the Defendants in connection with the Report to confirm or verify what was being reported about them; were not provided with an opportunity to provide contrary evidence or to dispute any of the statements or conclusions drawn in the Report; and

were not heard in advance or at any time after the publication of the Report. The Report constitutes a finding by a District agency that the subjects of the finding have no ability to contest. The Defendants' unilateral and uniformed actions deprived the Plaintiffs of any reasonable ability to clear their names and deprived them of Constitutionally recognized procedural due process rights that are equally applicable to them as District employees under the Home Rule Act.

143. The Defendants' actions were defamatory in that they contained both false and misleading information that was disparaging and harmed the plaintiffs' reputations in an unreasonable, arbitrary and capricious manner.

144. The harm the Plaintiffs have suffered extends well beyond the harm to their reputations. The Plaintiffs have been harmed and have suffered adverse employment actions as a result of the publication, including being passed over for promotions, being effectively disqualified for future career advancement, and being precluded from work-related community outreach activities that they were previously engaged in.

145. The Defendants' Report, comments about the Report and publications efforts have actually stigmatized each of the Plaintiffs, causing them ridicule among their work colleagues, embarrassment and lost consideration for job promotions and future employment and promotional prospects. The Report wrongfully and improperly labeled the Plaintiffs as dangerous, unprofessional and dishonest. The stigma caused by the Report has not only prevented current job-related promotions and impeded current job-related community service efforts of the Plaintiffs, but it has also hampered all future employment prospects of the Plaintiffs through its widespread publication and dissemination by the Defendants.

146. At no point did the named Plaintiffs or any member of the Plaintiff Class consent to the publication of their confidential personnel information or otherwise waive their right to the privacy of this information. The Plaintiffs were not provided any advanced notice or ability to take steps to prevent, through administrative or court action, the publication of this private personnel information. Further, the named Plaintiffs and members of the Plaintiff Class were never contacted or otherwise advised by Defendants as to the impending publications of the Report and the false and misleading characterizations they would face in the conclusions and labels attached to them in the Report. The Plaintiffs were not provided any opportunity, through a hearing or otherwise, where they could present evidence contrary to the facts recited and conclusions drawn in the Report prior to its publication or at any time thereafter.

147. Publicizing the information contained within the Report and identifying each specific officer served no legitimate purpose other than to harm the reputations of the officers and mislead the public into thinking that these officers have been found guilty of repeated misconduct, when exactly the opposite is true. The predictable certainty that the public would misinterpret this information has been experienced firsthand by Plaintiffs Officer Mazloom, Sergeant Randolph and Officer Dixon, as well as members of the Plaintiff Class.

148. Accordingly, Defendants violated Plaintiffs' procedural due process protections protected by the Constitution and through the Home Rule Act.

WHEREFORE, Plaintiffs request that the Court enter judgment in its favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement retracting the Report and acknowledging the unlawfulness of the Report. In addition, the Plaintiffs seek an opportunity to be heard in a formal hearing to clear their names and restore

their reputations. Plaintiffs further request this Court award Plaintiffs compensatory and punitive damages, in an amount to be determined at trial in this matter but no less than \$1,000,000.

**VIII.**  
**Civil Conspiracy**  
**Against Defendants Kathleen Patterson,**  
**Ingrid Drake, Mackenzie Matthews and Abigail Edwards**

149. Paragraphs 1-148 of this Complaint are restated and fully incorporated herein.

150. Collectively, the individual Defendants agreed to work in concert with each other to participate in the unlawful release of the Plaintiffs' and members of the Plaintiff Class's confidential personnel records and information, and to publish provably false and malicious statements about Plaintiffs, which have injured the Plaintiffs and members of the Plaintiff Class, in furtherance of Defendants' unlawful scheme.

151. Defendants Kathleen Patterson, Ingrid Drake, Mackenzie Matthews and Abigail Edwards are all employees of the District within the ODCA. All Defendants participated in compiling, authoring, publishing and promoting the Report, which contained private, confidential information about Plaintiffs and members of the Plaintiff Class, as well as provably false and malicious statements about Plaintiffs and members of the Plaintiff Class.

152. Doing so was blatantly unlawful and in violation of clear D.C. law forbidding the public disclosure of information contained in Plaintiffs' personnel files, and was deliberately designed to cast Plaintiffs and members of the Plaintiff Class in a false light in the eyes of the public. Moreover, Defendants falsely and maliciously accused Plaintiffs and members of the Plaintiff Class of being "Threats to Safety" and published false statements about their discipline history. Additionally, Defendants intentionally interfered in Plaintiffs' and members of the Plaintiff Class's professional and business interests. The publication of the information was in

violation of the laws, rules and governing regulations that were developed to prevent such disclosures by District employees. The individuals Defendants recklessly and deliberately disregarded these laws, rules and regulations in furtherance of a common effort to promote their personal, political and professional ambitions and beliefs.

153. These underlying torts and violations of law were committed by the Defendants in concert pursuant to a common intent to harm and malign the named and personally identified police officers in the Report. No single Defendant acted alone in committing these torts, as evidenced, *inter alia*, by the fact that: the Report was compiled, written and published by all four (4) individual defendants; certain individual Defendants' hold documented anti-police biases, beliefs and desires to use their occupation and authority as District employees with unique access to private police personnel records to further these objectives; and Defendants' collective insistence on being provided near-unfettered access to personnel records, including those of the Plaintiffs and members of the Plaintiff Class.

154. As such, all individual Defendants tacitly agreed to engage in a conspiracy to harm and malign Plaintiffs and members of the Plaintiff Class, and collectively acted in furtherance thereof by publishing the Report and committing the tortious actions outlined above.

155. Some of the actions of the individual Defendants were conducted within the scope of their employment, while others were outside the scope of employment, making the District liable as well as the individual Defendants liable for the harm and damages that they caused the Plaintiffs to sustain.

WHEREFORE, Plaintiffs request that the Court enter judgment in its favor against the Defendants and award Plaintiffs injunctive relief by ordering Defendants to immediately remove the Report from all websites operated by Defendants and contemporaneously issue a statement

retracting the Report and acknowledging the unlawfulness of the Report. Plaintiffs further request this Court award Plaintiffs compensatory and punitive damages, in an amount to be determined at trial in this matter but no less than \$1,000,000.

**IX.**  
**Prayer for Relief on All Counts**

Plaintiffs, on behalf of themselves and all others similarly situated, request that this Court grant the following relief:

- 1) Certification of this action as a class action pursuant to D.C. Superior Court Rules 23(b)(2) and (b)(3);
- 2) A declaratory judgment that Defendants violated the Plaintiffs' rights and those of the Plaintiff Class by publishing false, misleading and defamatory statements about the Plaintiffs and all members of the Plaintiff Class;
- 3) A declaratory judgment that Defendants have violated the Plaintiffs' rights and those of the Plaintiff Class by publishing confidential information from the personnel files of the Plaintiffs and all members of the Plaintiff Class;
- 4) A preliminary and permanent injunction enjoining Defendants from releasing any additional confidential information concerning the Plaintiffs and any members of the Plaintiff Class, without Court review and approval;
- 5) Ordering that the Report be permanently removed from the website of the D.C. Auditor and any other websites within the possession, custody or control of the government of the District of Columbia or the Defendants and ordering that the Defendants to contemporaneously issue a statement retracting the Report and acknowledging the unlawfulness of the Report and the erroneous and misleading information contained within the Report;
- 6) An Order that requires the District to provide the Plaintiffs with an opportunity to be heard in a formal hearing to clear their names and restore their reputations.
- 7) Awarding Plaintiffs compensatory damages, in an amount to be proven at trial but no less than \$1,000,000.00;
- 8) Awarding Plaintiffs punitive damages, in an amount to be proven at trial but no less than \$2,000,000.00 or ten times the amount of compensatory damages, whichever is greater;

- 9) Awarding Plaintiffs all costs and attorney's fees incurred in prosecuting this action;
- 10) Retention of jurisdiction over this matter to ensure Defendants' full compliance with this Court's Order(s);
- 11) Any and all additional and further relief as deemed necessary or proper by this Court.



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Anthony M. Conti (D.C. Bar No. 479152)  
Daniel J. McCartin (D.C. Bar No. 976580)  
Daniel M. Russo (D.C. Bar No. 90014853)  
CONTI FENN LLC  
36 South Charles Street, Suite 2501  
Baltimore, Maryland 21201  
Tel. (410) 837-6999  
Fax: (410) 510-1647  
tony@contifenn.com  
dan@contifenn.com  
russo@contifenn.com

*Counsel for Plaintiffs*

**Jury Trial Demand**

Plaintiffs demand a trial by jury on all issues so triable.



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Anthony M. Conti (D.C. Bar No. 479152)  
Daniel J. McCartin (D.C. Bar No. 976580)  
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CONTI FENN LLC  
36 South Charles Street, Suite 2501  
Baltimore, Maryland 21201  
Tel. (410) 837-6999  
Fax: (410) 510-1647  
tony@contifenn.com  
dan@contifenn.com  
russo@contifenn.com

*Counsel for Plaintiffs*