

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

BRENNAN CENTER FOR JUSTICE,  
*et al.*,

*Plaintiffs,*

v.

DISTRICT OF COLUMBIA,

*Defendant.*

2022 CA 000922 B  
Judge Yvonne M. Williams

**DEFENDANT'S OFFER OF JUDGMENT PURSUANT TO SUPER. CT. R. CIV. P. 68**

Defendant District of Columbia (the District) submits this Offer of Judgment to Plaintiffs Brennan Center for Justice and Data for Black Lives under Superior Court Rule of Civil Procedure 68.

1. This Offer of Judgment under Sup. Ct. Civ. R. 68 (Offer) must be accepted by Plaintiffs Brennan Center for Justice and Data for Black Lives. Should Plaintiffs accept this Offer, acceptance would resolve and satisfy all claims, inclusive of reasonable attorney's fees and costs through the date of this Offer, that have been, could have been, or could be brought by Plaintiffs under any theory of liability under D.C. Code § 2-531 *et seq.* against the District, and any and all persons who are now or ever have been agents, employees, officers, or officials of the District at any time.
2. On December 26, 2023, the Court in this action granted in part and denied in part Plaintiffs' Second Motion for Summary Judgment and granted in part and denied in part the District's Combined Motion for Summary Judgment and Opposition to Plaintiffs' Cross-Motion for Summary Judgment.

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3. The District submits its offer of judgment without admitting liability on Plaintiffs' claims, inclusive of Plaintiffs' claims for attorney's fees costs accrued through the date of this Offer. It is an express and material term of this Offer that the District denies culpability or liability for or upon any claim asserted by Plaintiffs and that entry of judgment based upon this Offer shall have no collateral estoppel or *res judicata* effect whatsoever, or otherwise preclude the District from asserting any defense.
4. The District will pay to Plaintiffs, or to Plaintiffs' counsel, Ballard Spahr LLP, \$400,000.00 for reasonable attorney's fees and costs as of the date this Offer is sent to Plaintiffs (Judgment Amount), in full satisfaction of all claims that have been, could have been, or could be brought by Plaintiffs under any theory of liability under D.C. Code § 2-531 *et seq.*
5. Plaintiffs agree, personally, and with the consent of their attorneys, that under no circumstances may they or their attorneys obtain any additional monetary or other relief or recovery, including attorney's fees and costs, for any claims encompassed by this Offer from the District or from any current or former official, officer, agent, or employee of the District.
6. This Offer expires fourteen (14) days after it is served on Plaintiffs through electronic and first-class mail to their counsel of record, Seth Berlin, Esq. It may be accepted only by the filing by Plaintiffs of a copy of this Offer reflecting the signature of Plaintiffs, or their attorneys on Plaintiffs' behalf, on the signature line below, and the date upon which they signed the Offer.
7. Upon acceptance of this Offer, the Court shall enter judgment on Plaintiffs' remaining claim for attorney's fees and costs and mark this action as closed.
8. The Judgment Amount is payable only from the funds of the District of Columbia and may not be collected from any other person or entity.

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9. Any judgment that may result from Plaintiffs' acceptance of this Offer may not be docketed, recorded, or reported for any purpose against any Defendant other than the District.

Date: May 30, 2024

Respectfully submitted,

BRIAN L. SCHWALB  
Attorney General for the District of Columbia

STEPHANIE E. LITOS  
Deputy Attorney General  
Civil Litigation Division

*/s/ Christina Okereke*  
CHRISTINA OKEREKE [219272]  
Chief, Civil Litigation Division Section II

*/s/ Aaron J. Finkhousen*  
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*Counsel for Defendant District of Columbia*

OFFER ACCEPTED BY:

*/s/ Seth D. Berlin*

on June 6, 2024, 2024.

Seth Berlin, Esq.  
BALLARD SPAHR LLP  
For and on behalf of Plaintiffs Brennan Center for Justice  
and Data for Black Lives

Date