

# **A LEGAL SELF-HELP HANDBOOK**

**for**

**District of Columbia Prisoners  
at the D.C. Jail and  
Correctional Treatment  
Facility (CTF)**

**First Edition**

**D.C. Prisoners' Project  
Washington Lawyers' Committee  
for Civil Rights and Urban Affairs  
2008**

## Introduction

The D.C. Prisoners' Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs is devoted to advocating for the legal rights of D.C. prisoners. Unfortunately, we do not have the money or legal staff to represent every prisoner. We recognize that most of you have no access to an attorney.

We prepared this handbook to provide you with general information about your legal rights while you are in jail and how to enforce those rights. It is written with you in mind—a person currently confined at the D.C. Jail or Correctional Treatment Facility (CTF) in Washington, D.C. If you are not treated properly while you are in jail, this handbook will help you understand your options. This handbook is designed to help you proceed *pro se*—meaning, without an attorney.

### **This handbook WILL:**

- **teach you about some of the rights you have while you are incarcerated.**
- **outline the steps you must take before you ask a court for help**
- **help you figure out if you have a legal claim**
- **get you started, if you do decide to ask a court for help**
- **give you some court case references**

### **This handbook WILL NOT:**

- **help you challenge your criminal conviction or your sentence under District of Columbia or federal laws**

Instead, you may contact the D.C. Public Defender Service for assistance in preparing papers that challenge your sentence or conviction in a criminal case (*see* Appendix I).

- **help you obtain a writ of habeas corpus**

Courts have the authority to issue different kinds of writs. The most common writs are for habeas corpus and mandamus. This handbook is not designed to assist with writs of habeas corpus to challenge your sentence or conviction.

- **provide you with in-depth information on the law**

This handbook is not a legal research manual. For in-depth information, visit your jail library. Books like the *Jailhouse Lawyers' Manual* give you more information on the law. If it is not in your jail library, you may be able to obtain it (often for free) from the publisher<sup>1</sup> or from a friend or relative who has access to the Internet.

- **prepare you to conduct a trial**

This handbook will help you get started. It will help you decide if you have a legal claim and will tell you how to file the papers to start a lawsuit. If you need to conduct discovery or if there is going to be a trial, you should ask a lawyer or the D.C. Prisoners' Project for help.

- **provide you with legal advice**

This handbook helps you get started, but does not tell you everything that you need to know. This handbook is not intended to replace the advice of any attorney. **This document does not represent legal advice by the D.C. Prisoners' Project, and it does not create an attorney client relationship. Please rely on your own research!**

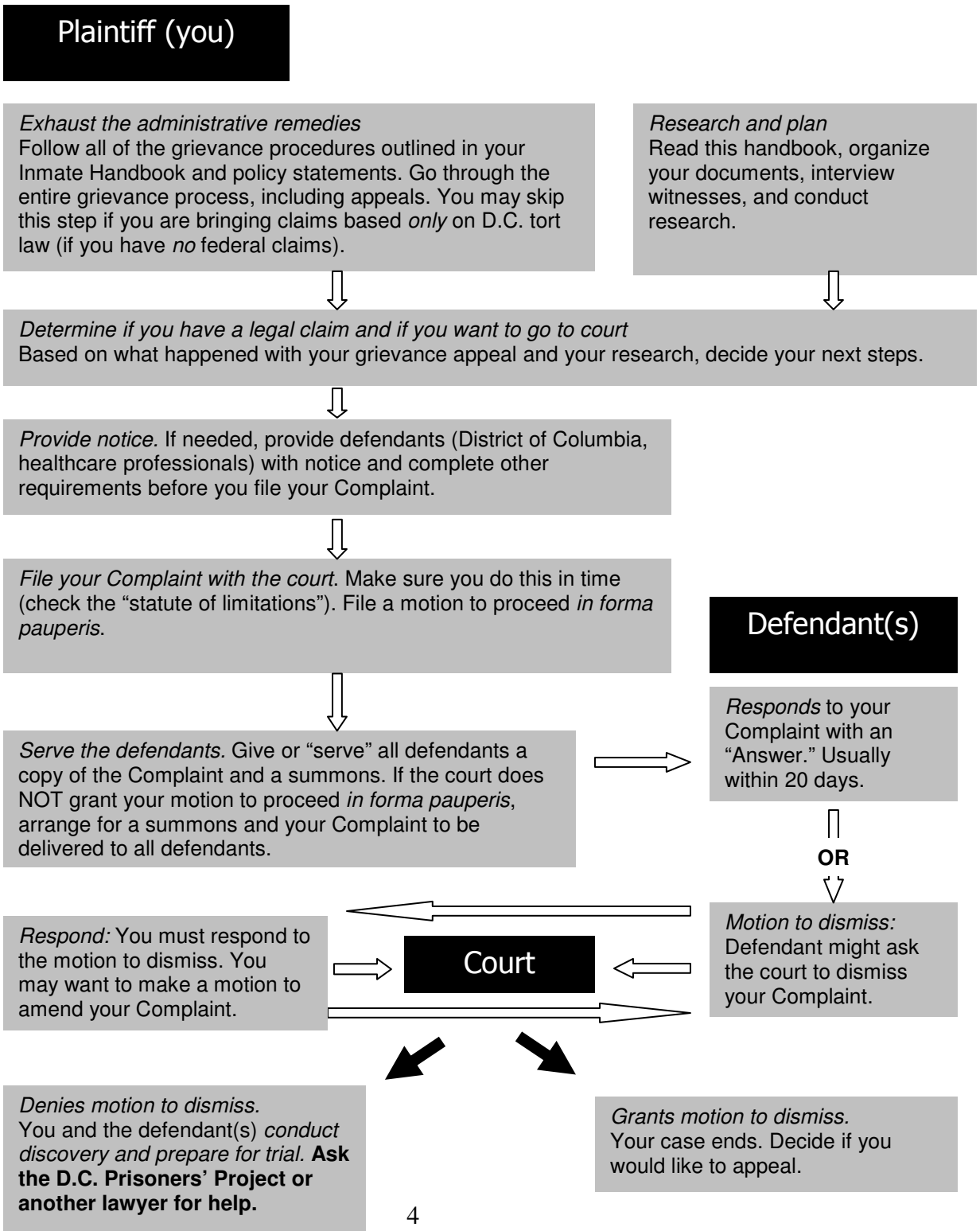
Please let us know if you find this handbook helpful, if more subjects should be covered, or if you learn that the jail or court rules have changed.

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<sup>1</sup> The *Jailhouse Lawyers' Manual (JLM)* Seventh Edition main volume is \$25. The *Immigration & Consular Access Supplement* is \$5. The *JLM* Spanish language edition is \$15. First class shipping is included in the price. Prices and availability may be subject to change. To purchase JLM or SJLM, send a check or money order payable to Columbia Human Rights Law Review to: Columbia Human Rights Law Review, Attn: JLM Order, 435 W. 116th St., New York, NY 10027.

## Summary: What will this handbook tell me about the law?

This handbook will (1) tell you just enough to help you decide whether or not to bring a lawsuit and (2) if you decide to bring a lawsuit, explain how to start your lawsuit. This book will NOT help you prepare for the actual trial. If the judge decides that your case should go to trial, you should seek the help of a lawyer.



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## Chapter One: Do I Need or Want to Go to Court?

There are many things to think about before you decide to file a Complaint and initiate a lawsuit.

### 1. What exactly is my problem?

If you say or write down what your problem is in a few sentences, this might clarify exactly what the problem is and what should be done to fix it.

### 2. What have I done to fix the problem?

In general, you should first use the **grievance process** at your jail—not go immediately to the courts.

### 3. Do I want to go to court?

This is a decision that only you can make. However, there are some more questions that you can ask yourself that might help you make a good decision.

#### a. Do I have a *legal claim*?

Some problems and unfair things happen and the law, unfortunately, cannot fix them. So, even if you were treated unfairly or even immorally, this does not always mean that you have a legal claim. Chapter Three will help you start to identify your legal claim.

#### b. Can I prove my claim?

At some point, you will have to prove your claim. Start thinking about documents that might exist to help your case, witnesses, and so forth. To win in court, you must have a legal claim AND proof of your claim.

#### c. Even if I win, will I get what I want?

Do you want the court to order a change, to make someone start or stop behaving in a certain way? Do you want money damages? Keep in mind that what you want must be something the court can order. If you sue someone with no money or assets then you might not get money damages.

#### d. Even if I win and get what I want, will it be worth it?

Going to court can be demanding and expensive. If you cannot pay the required fees all at once, the court may pay the fee for you or allow you to pay the fee over time. Currently, the fee to file a Complaint with the D.C. Superior Court is \$120. The fee to file a Complaint with the U.S. District Court for the District of Columbia is \$350.

Litigation also involves complicated procedural rules. You must follow strict rules and deadlines. For these reasons, it is usually best to go to court only when serious or life-threatening matters are involved, or when you cannot resolve the problem in another way.

These costs to you should be weighed against the benefits that you and others might gain. If your problem is serious or life-threatening, your potential gains are great and very important. You can sue to enforce only your own rights (not someone else's rights). But if your case could greatly improve your own life or improve the lives of others, a lawsuit can be a forceful tool for change.

**d. Do I want to testify under oath?**

If you file a lawsuit, it is very likely that you will have to testify under oath. That might be at court, and it might be during a deposition. A deposition is where defendants can ask you questions in the presence of a court reporter. You have to answer truthfully under oath. You might not want to go through that for a lot of reasons.

## **Chapter Two: Am I Required to File a Grievance?**

Before filing a lawsuit, you should always first work your way through the grievance process. To file a lawsuit under any federal law, you must accurately and completely file your administrative remedies. Working your way to the final level of the grievance process is called “exhausting your administrative remedies.”

Although this requirement does not apply to claims that arise under D.C. law, it is almost always better to exhaust your administrative remedies. It increases your chance for a successful resolution of the problem, helps to make a paper trail, and shows that you tried to do everything by the rules. It can also provide insight into what the defendants will say in response to a lawsuit.

Both the D.C. Jail and CTF have grievance processes. They are not the same. Be sure to use the right one. To find out how to file a grievance, see your Inmate Handbook and policy statements. Appendix A also explains the steps in the grievance process. Make sure you go through the entire grievance process, including appeals.



## Chapter Three: Do I Have a Legal Claim?

To bring a successful lawsuit, you must have a legal claim. The legal claim is the illegal act that happened to you. This is also called a “cause of action.”

To start a lawsuit, you file a “Complaint” with the court. *See* Chapter Six. In the Complaint, you will need to list all of your claims. There can be many claims that arise from the same event. For example, if you are beaten by a correctional officer, you might raise claims under the Fifth and Eighth Amendments of the U.S. Constitution (constitutional law), 42 U.S.C. § 1983 (a federal statute), and D.C. common law for assault, battery, and intentional infliction of emotional distress. However, the specific law you choose will require that you prove certain things (sometimes called “elements”). The specific law you choose will also influence who you sue or name as a defendant. Each law also requires that you follow certain deadlines for filing your claim in court.

### Federal law vs. state law

Two basic types of laws are federal law and state law. Federal law is made by the federal government (Congress). State law is made by the states (D.C.).

### Constitutional vs. statutory vs. common law

- *Constitutional law* is derived from the U.S. Constitution and generally applies only to governments (federal, D.C. government) or those companies that the government contracts with to do jobs that the government usually does (CCA, Unity Health Care).
- *Statutory law* is a law that is made and written down, either by the federal government (federal statutory law) in the U.S. Code or by D.C. (D.C. statutory law) in the D.C. Code. Currently, Title 24 of the D.C. Code refers to Prisoners and Their Treatment.
- *Common law* refers to law that judges make. Every time a judge hears a case, he/she must interpret the law. So, by reading about cases, you can learn about common law. An example of common law that this handbook will mention is D.C. tort law.

### A. Constitutional Claims

Every person in the U.S. is protected by the U.S. Constitution. These are rights that can never be taken away from you. Your rights are a little different depending on whether you have been sentenced already or you are a pre-trial detainee. If you are a pre-trial detainee, you are not supposed to be punished beyond what is necessary to keep order in the facility. If you have been sentenced, your punishment must not be cruel or unusual.

Obviously, the D.C. Jail and CTF have the right to limit some of your freedoms. If you feel they go too far, you might have a constitutional claim.

You can bring your claim in U.S. District Court for the District of Columbia (the federal court) if there is a violation of a constitutional right or federal law. This is called a 1983 action. 42 U.S.C. § 1983 is the law that allows you to sue the city and city employees if they violate your constitutional rights. You can bring D.C. claims at the same time as the federal claim as long as they are about the same incident as the constitutional or federal law violation. You can bring any claim in the D.C. Superior Court. *See* Chapter Four.

The ***First Amendment*** of the Constitution guarantees freedom of speech, religion, and association (who you hang out with). A claim regarding religious practices, mail, visitation, telephone use, and other communications may involve your First Amendment rights.

The ***Fourth Amendment*** protects against illegal searches and seizures. In the jail context, this could be unreasonably frequent or abusive searches or strip searches routinely conducted by a person of the opposite sex.

The ***Fifth Amendment*** guarantees “due process of law.” This means you are entitled to fair disciplinary hearings within the jail. If you are not yet sentenced, you can use the Fifth Amendment to protest the conditions of the jail. If you have already been sentenced, use the Eighth Amendment.

The Fifth Amendment also protects D.C. prisoners from discrimination. If you are being discriminated against based on race, sex, ethnicity, mental illness, disability, sexual orientation, or gender identity, you may have a claim.

The ***Sixth Amendment*** guarantees “assistance of counsel.” This includes access to your lawyer and to a law library.

The ***Eighth Amendment*** protects against cruel and unusual punishment. Unreasonable jail overcrowding, unclean or unsanitary conditions, poor medical care, assault or failure to protect you from assault could all be Eighth Amendment violations. If you are a pre-trial detainee, use the Fifth Amendment to protest jail conditions.

*Timing:* Constitutional claims in D.C. must be brought within three years after they occur OR within three years after you are released.

*Defenses:* If a person was doing something as part of his job and did not know he was breaking a law, he cannot be sued. This is called “qualified immunity.” Luckily, you do not have to prove that a person knew he was breaking a law. After

you file your Complaint, some of the defendants will probably say that they have qualified immunity. The judge will decide if that is true.

## **B. Federal Statutory Claims**

### **1. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) protects people with disabilities from discrimination. It also says that a person with a disability must be given “reasonable accommodation.” An example of a reasonable accommodation might be a handicap bathroom or a wheelchair ramp. If you are disabled, the jail cannot discriminate against you. You must be given reasonable access to all jail services and facilities.

*Timing:* ADA claims in D.C. must be brought within three years after they occur OR within three years after you are released.

*Defenses:* The defendants can say they tried to accommodate you. If the court thinks that they really tried and did a good job, the defendants have the defense of “good faith.” If it would be too expensive or difficult to accommodate you, the defendants have the defense of “undue hardship.”

For example, it is not an undue hardship to provide sign language interpreters to hearing impaired prisoners at disciplinary hearings. But it could be an undue hardship to change a prison machine shop to allow a blind person to work there.

### **2. Religious Land Use and Institutionalized Persons and Religious Freedom Restoration Acts**

The Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibits jails and prisons from totally excluding religious assemblies or unreasonably limiting religious assemblies. If you are not allowed to practice your faith, you may have a claim under this act.

The Religious Freedom Restoration Act (RFRA) guarantees the right to exercise your religion unless there is a compelling reason to not let you. If your religion mandates certain dress or dietary restrictions, the D.C. jail or CTF must allow you to practice your religion unless there is a good reason, like safety or huge cost, to not let you.

*Timing:* RLUIPA and RFRA claims in D.C. must be brought within three years after they occur OR within three years after you are released.

## **C. State (D.C.) Common Law Tort Claims**

### **1. What is tort law?**

Tort law is concerned with physical, emotional, and financial injuries to people. A person who is injured may be able to recover damages (receive money as compensation) from someone who is liable (legally responsible) for those injuries. Tort law covers intentional injuries and accidents that result from someone's negligence.

### **2. Do I have a common law intentional tort claim?**

Intentional injuries are covered under the category of intentional torts. Some examples of intentional torts include assault, battery, and the intentional infliction of emotional distress.

#### Assault

*Explanation:* Assault has different meanings in criminal law and civil law. In civil (tort) law, "assault" means causing a reasonable fear of an immediate harmful or offensive contact. No actual physical contact is needed.

Courts have ruled that a person commits assault when he or she:  
(1) acts intentionally  
(2) to cause harmful or offensive contact with another person or imminent apprehension of such a contact, and  
(3) the other person is thereby put in such imminent apprehension.

*See McKinney v. Whitfield*, 736 F.2d 766 (D.C. Cir. 1984);  
*Rogers v. Loews L'Enfant Plaza Hotel*, 526 F. Supp. 523, 529 (D.D.C. 1981).

*Example:* For example, if Dmitri grabs a knife and tries to stab Eric but misses, Dmitri may still have committed the tort of assault. It was probably reasonable for Eric to fear that Dmitri would cause a harmful contact with the knife.

*Timing:* Under D.C. Code, assault claims must be brought within one year after they occur or one year after you are released. *See* D.C. Code §§ 12-301, 12-302 and question (4) below.

*Defenses:* The defendant might argue that you somehow consented to the assault or that it was not reasonable for you to be apprehensive. For example, the defendant might argue that you are unusually sensitive. The defendant might argue that harm was not imminent or immediate. For example, a mere threat (words) to cause harm later is not assault. The defendant might admit that he assaulted you, but argue that he was allowed to act in this way—or that he was “privileged” to act in that way. For example, if someone is acting in self defense, his assault is often excused or “privileged.” Police officers are also privileged to draw their guns, as long as their actions are not excessive. *See Jackson v. District of Columbia*, 412 A.2d 948, 956 (D.C. 1980).

### Battery

*Explanation:* Battery has different meanings in criminal law and civil law. District of Columbia courts have simply stated that “battery is an intentional act that causes harmful or offensive bodily contact.” *See Jackson v. District of Columbia*, 412 A.2d 948, 955 (D.C. 1980).

*Example:* For example, if Ronald punches, kicks, stabs or even poisons Brad, Ronald may be held liable for battery.

*Timing:* Like assault, claims for battery must be brought within one year after they occur or after you are released. *See* D.C. Code § 12-301 and question (4) below.

*Defenses:* Same as assault (see above).

### Intentional infliction of emotional distress

*Explanation:* You may have a claim of intentional infliction of emotional distress when a person:

- (1) intentionally or recklessly
- (2) engages in extreme and outrageous conduct
- (3) that causes the plaintiff (you) severe emotional distress

There are several important factors, however. Look at the facts of what happened to you and see if these factors are present.

*a. Type of behavior: must be “outrageous”*

Insulting or obnoxious conduct or having your feelings hurt is not enough. To have a claim, the behavior that you are complaining about must be “beyond all possible bounds of

decency,” and “atrocious.” The behavior must cause most people in society to be outraged when they hear about what happened. *See Drejza v. Vaccaro*, 650 A.2d 1308 (D.C. 1994).

*b. The relationship between the parties*

If the defendant knows that the victim is especially susceptible to emotional distress because of some physical or mental condition or if the victim is vulnerable and was totally dependant on the defendant for help, then the defendant’s conduct might be considered more outrageous.

*Examples:* A rape victim who is emotionally distraught depends on a police officer to help her. Instead, the officer throws clothing at her and teases her. This conduct might be outrageous enough to support a claim of intentional infliction of emotional distress. *See Drejza v. Vaccaro*, 650 A.2d 1308 (D.C. 1994).

An arrestee has a claim for intentional infliction of emotional distress when a police officer holds him down with his knee in his back, squeezes his necks and chokes him, then other officers punches him up to twenty times and kicks him for up to thirty minutes. *See Brooks v. GK District of Columbia*, No. 05-362, 2006 U.S. Dist. LEXIS 84118, at \*9-10 (D.D.C. Nov. 20, 2006).

*Timing:* You should file your Complaint within three years after your emotional injury or after you are released. *See* D.C. Code § 12-301(8) and question (4) below. If you suffer emotional harm as the result of a physical injury (battery) however, you should probably file your Complaint within one year.

*Defenses:* A defendant might argue that you did not have a legal claim because: the defendant did not act intentionally or recklessly, the conduct was obnoxious but not outrageous, or you did not suffer “severe” enough emotional distress. The defendant might suggest that you are unusually sensitive and there was no reason why he/she should have known this. The defendant might argue that he has a right to say and do things that are hurtful but not outrageous.

### **3. Do I have a common law negligence claim?**

#### Negligence

*Explanation:* Negligence is a tort, but it is not an *intentional* tort. For example, if Alice intentionally throws a ball at Ramona and hits Ramona, Ramona has an assault and battery claim. However, if Alice is playing a game and leaves the ball on the floor, then Ramona later trips and falls on the ball—then Ramona might have a *negligence* claim.

Negligence occurs when someone who has a “duty” (or a legal responsibility) does not use enough care in fulfilling that duty. As a result, someone else is harmed. To have a claim of negligence, the plaintiff must allege five things in the Complaint: (a) duty, (b) breach, (c) causation in fact, (d) proximate cause, and (e) injury/damages.

### *Required Elements*

#### *a. Duty*

The first step in a negligence claim is to show that the defendant owed you a “duty” or had a legal responsibility to prevent your injury.

The District of Columbia must use reasonable care to ensure your safety and care and to provide you with medical care. The District of Columbia has a legal duty to “be responsible for the safekeeping, care, protection, instruction, and discipline of all persons” in the D.C. Jail and other facilities mentioned by statute. *See* D.C. Code § 24-211.02 (2008). The health care professionals who treat you owe you the same standard of care as physicians owe to private patients generally.

*See Banks v. York*, 515 F. Supp. 2d 89, 102 (D.D.C. 2007) (mem.); *Newby v. District of Columbia*, 59 F. Supp. 2d 35, 37 (D.D.C. 1999).

The District of Columbia, however, may delegate (“give”) some of its legal duties to someone else. For example, the District has contracts with Corrections Corporation of America, Inc. (CCA) and Unity Health Care, Inc. to provide services at the CTF. The District of Columbia has delegated its duties, for common law tort purposes, via contract to CCA and Unity Health Care. Thus, CCA now owes inmates at CTF the duty of reasonable care in the safekeeping, care, protection, instruction, and discipline of all persons there. Unity Health Care owes residents of CTF a duty of reasonable care in providing health care services.

*b. Breach*

A defendant breaches his duty, or legal responsibility, when he does not fulfill that legal responsibility. However, defendants cannot be responsible for every mistake. Instead, a defendant is legally responsible only when he does not use “reasonable care.”

What is “reasonable care”? The answer depends on the circumstances. For example, the care that is reasonable when a person must act quickly might be different from the care that is reasonable when a person has a lot of time to respond. You may be required to have an expert to help the court and jury understand what reasonable care is.

*Res ipsa loquitor*

If the breach of a legal duty is obvious, you might be able to use the theory of *res ipsa loquitor*, a Latin phrase that means “the thing speaks for itself.” This legal doctrine allows a jury or judge to infer breach even if you have no direct evidence of breach. To use *res ipsa loquitor*, you must establish that:

- (1) the event that caused your injury ordinarily does not occur unless someone is negligent
- (2) your injury was caused by an agency or instrumentality within the exclusive control of the defendant (so the cause of your injury is known), and
- (3) your injury was not caused by any voluntary action or contribution on your part

*See Cobell v. Norton*, 355 F. Supp. 2d 531, 541 (D.D.C. 2005); *Hartford Cas. Ins. Co. v. Potomac Elec. Power Co.*, 927 F. Supp. 473, 477 (D.D.C. 1996).

*c. Causation in fact*

To have a negligence claim, you must show that the defendant’s negligence caused your injury. This is usually simple. However, if more than one person could have caused your injury or if your actions helped cause your injury, your claim might be defeated. *See* the defenses of assumption of risk and contributory negligence (below).



*d. Proximate cause*

The defendant's action is the "proximate" or legal cause of your injury if it was reasonably foreseeable that his/her actions would cause your injury.

The injury must be the "natural and probable consequence" of a negligent act and should have been foreseen under the circumstances. For example, prison officials failing to repair a ventilation cover after an inmate complains that it is loose might be the proximate cause of the inmate's injuries when the cover falls on him. *See District of Columbia v. Mitchell*, 533 A.2d 629 (D.C. 1987). Because the prison officials knew that the ventilation cover was loose, they could have "foreseen" that the cover might fall and injure someone.

Proximate cause becomes complex when more than one person might have caused an injury. For example, if a guard leaves his post and, when he does so, another inmate injures you, then a question will arise about whether the guard's actions or the other inmate's actions caused your injury. You can sue them both—or name both of them as defendants in your Complaint.

*e. Injury/damages*

To have a negligence claim, you must have suffered some sort of harm or loss of property.

You may request money damages to compensate you for your injuries (compensatory damages) or money damages designed to punish the defendant (punitive damages). *Compensatory damages* may include, for example, reimbursement of past or future medical expenses, lost future earnings, or pain and suffering. *Punitive damages*, however, are difficult to obtain. For punitive damages, you must prove that the defendant acted with malice. "Malice" means that the defendant probably knew his actions would cause harm or that he acted with spite or a bad motive. You may **not** recover punitive damages against the District of Columbia, unless you can find a specific law that allows you to do so.

In addition to money damages, you may request an *injunction*. An injunction is an order from the court that requires a person, government entity, or corporation to stop doing something or to start doing something. An injunction might be appropriate if you

are suffering an ongoing injury because of the defendant's continuing violations of the law.

*See City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 271 (1981); *Feirson v. District of Columbia*, 315 F. Supp. 2d 52, 57 (D.D.C. 2004).

*Examples:* Common negligence claims include:

*Negligent hiring, training, and supervision of employees:*

These cases involve improper conduct of employees. In cases of abuse by guards, for example, the District of Columbia might be negligent if it did not properly or adequately supervise guards. *See Newby v. District of Columbia*, 59 F. Supp. 2d 35 (D.D.C. 1999).

*Negligent cell locking system, negligence in controlling inmate movement:*

These cases usually involve physical injuries by other inmates. For example, these Complaints might allege that the government or corporation managing the correctional facility was negligent in selecting or using a cell locking system. As a result of that negligence, another inmate left his cell and injured the plaintiff. *See District of Columbia v. Moreno*, 647 A.2d 396 (D.C. 1994); *District of Columbia v. Sterling*, 578 A.2d 1163 (D.C. 1990).

*Medical malpractice:*

Medical malpractice occurs when a medical professional does not use reasonable care in diagnosing or treating a patient's injury or illness. If you did not receive care or proper care, you might have a claim for medical malpractice.

*See District of Columbia v. Wilson*, 721 A.2d 591 (D.C. 1998); *Toy v. District of Columbia*, 549 A.2d 1 (D.C. 1988).

*Timing:* There is a three-year statute of limitations for negligence actions. This means that you must file your Complaint with the court within three years after the event that caused your injury or within three years of your release. *See* D.C. Code 12-301(8).

*Defenses:* A defendant will probably challenge one or more of the elements that you must prove for negligence. Thus, a defendant will argue that he/she had no duty, that he/she used reasonable care, that something else caused your injury, or that you suffered no injury. The defendant can also argue that you assumed the risk of injury.

or that your own negligence “contributed” to your injury (“contributory negligence”).

### Assumption of risk

Assumption of risk is when you, the plaintiff, voluntarily expose yourself to a danger that you know about. Because you knowingly exposed yourself to danger, you do not have the right to bring a lawsuit if an accident occurs.

*See District of Columbia v. Coleman*, 667 A.2d 811, 819 (D.C. 1995); *District of Columbia v. Peters*, 527 A.2d 1269, 1274 n.4 (D.C. 1987).

### Contributory negligence

Contributory negligence means your injury is, in part, your own fault. In other words, if the defendant proves that you were also negligent and that your negligence contributed to your injury, you will lose your case. The court will consider your negligence—not the defendant’s—the proximate or legal cause of your injury. *See District of Columbia v. Coleman*, 667 A.2d 811, 819 (D.C. 1995).

Examples of contributory negligence might include running away from a law enforcement officer during an arrest, violating statutes or regulations, or being under the influence of drugs or alcohol. *See Andrews v. Wilkins*, 934 F.2d 1267, 1272 (D.C. Cir. 1991).

There are narrow exceptions that might allow you to win even if you are contributorily negligent. These exceptions include if your claims are based on certain statutes, the last clear chance doctrine, or if you are contributorily negligent but can prove that the defendant was even more than negligent—that the defendant was willfully or wantonly negligent or acted in reckless disregard.

#### *Last clear chance doctrine:*

To use the last clear chance doctrine, you should be able to show that:

- (1) the plaintiff was in a position of danger that *both* the plaintiff *and* the defendant caused
- (2) the plaintiff was unaware of the danger *or* unable to remove himself from the danger
- (3) the defendant was aware (or should have been) that the

plaintiff was in danger but could not remove himself from the danger, and  
(4) the defendant had the means and could have exercised *reasonable care* to avoid the harm to the plaintiff but did not do so.

*See Andrews v. Wilkins*, 934 F.2d 1267 (D.C. Cir. 1991).

An example of the last clear chance doctrine is when Jose does not see a “wet floor-do not enter” sign and walks into the cafeteria. Meanwhile, Ricky is running with a cart in the cafeteria and sees Jose. The two collide and Jose is injured. Ricky couldn’t stop in time. But he could have swerved or yelled at Jose and prevented Jose’s injury. Thus, Jose was negligent by entering the cafeteria after he saw the sign, but could claim that Ricky had the “last clear chance” of preventing the accident. *See Washington Metro. Area Transit Auth. v. Jones*, 443 A.2d 45, 48-52 (D.C. 1982).

#### **4. When should I bring my tort claim?**

For assault and battery, file your Complaint within one year. For intentional infliction of emotional distress and negligence, file your Complaint within three years.

If the incident happened in D.C., the statute of limitations does not begin to run until you are released from incarceration. In other words, the time limit you have for filing a Complaint doesn’t start until you are no longer in any jail or prison. Once the statute of limitations begins to run, it does not stop if you are re-incarcerated. *See* D.C. Code § 12-302 (tolling statute of limitations until plaintiff is no longer incarcerated).

For example, Bill is at the D.C. Jail and is assaulted in January 2008. He is later transferred to a prison. Bill is released from prison and goes home in January 2012. Bill has until January 2013 to file his Complaint for assault.

However, you may still want to file your claim while you are incarcerated. The longer you wait, the harder it may be to find witnesses who remember what happened. Finally, if the incident happened outside of D.C., the statute of limitations will be determined by the laws where the events took place.

#### **5. Are there any special procedures I need to follow to bring a tort claim?**

Yes. These requirements are very important. If you do not follow them, your claim will be dismissed—the court will not even decide the issues in your case.

a. Tort claims against the District of Columbia: Notice

If you are bringing a tort action against the District of Columbia or bringing a claim that the District of Columbia must respond to (for example, when you sue a D.C. employee) you must provide notice *in writing* to the Mayor of the District of Columbia, in care of the Office of Risk Management. The Office of Risk Management must *receive* this notice ***within six months of the injury, damage, or property loss***. This six-month time limit starts from the day that you were injured or suffered a loss. It is not tolled (temporarily stopped) while you are incarcerated. *See* D.C. Code § 12-309.

This notice must mention the following:

- your name, your current address, your home address, your DCDC number, and your Social Security number,
- the date and time of your injury or loss of property,
- the exact place where you were injured ,
- the cause of the injury or loss of property,
- why the District of Columbia is responsible and should pay the damages you are asking for.

You should also include copies of any related documents such as grievance forms, medical records, bills, or letters.

According to Mayor's Order 2004-10, you should send this notice to the Office of Risk Management—not directly to the mayor himself. Send your notice to:

District of Columbia Office of Risk Management  
441 4<sup>th</sup> Street N.W.  
Suite 800 South  
Washington, D.C. 20001  
Attention: Claims Bureau

Courts interpret this requirement **very** strictly. Make sure you follow the instructions and meet the deadline. In about thirty days, you should receive an acknowledgement letter that lists a claim number and the name of the investigator assigned to your claim. If you need to check the status of your claim, contact the Office of Risk Management and give them your claim number and the name of the investigator.

b. Medical malpractice claims: Notice

If you intend to bring a medical malpractice claim (a type of negligence claim specifically about medical care), you must provide notice to the

healthcare provider you intend to name as the defendant at least **90 days before you file your Complaint.**

The notice should include “sufficient information to put the defendant on notice of the legal basis of the claim and the type and extent of the loss sustained, including information regarding the injuries suffered.” *See* Medical Malpractice Proceedings Act of 2006 § 16-2802.

You should send this notice, or letter describing your legal claim and injuries, to every medical provider that you intend to name as a defendant. If you do not know the person’s address, you can use the address that is registered with the appropriate medical licensing authority. If you do not know the defendant’s name or if the defendant was not licensed when the event occurred or when notice is to be given, you do not need to provide this notice. *See* Medical Malpractice Proceedings Act of 2006 § 16-2804. The address for Unity Health Care, Inc. is:

Unity Health Care, Inc.  
1220 12th Street, S.E.  
Suite 120  
Washington, D.C. 20003

## Chapter Four: Which Court Should I Use?

It is important to bring your case in the proper court. If you file your case in the wrong court, it may be dismissed.<sup>2</sup> In some circumstances, filing your lawsuit in the wrong court may prevent you from filing the lawsuit in the proper court. At the very least, filing your case in the wrong court will cause you delay.

For events or injuries that happen at the D.C. Jail or Correctional Treatment Facility (CTF), you may be able file your lawsuit in the United States District Court for the District of Columbia (federal court) or Superior Court of the District of Columbia (D.C. court).

Which court you choose depends on the claims you want to bring and people you want to sue.

### A. U.S. District Court for the District of Columbia

This is the federal court. There are two ways you can file in federal court.

#### 1. Constitutional or Federal Statutory Claim

You can file your lawsuit in U.S. District Court if you have a constitutional or federal law claim. *See* Chapter 3. It is okay to have D.C. claims also, but they must be about the same incident as the federal claim.

For example, if you are constantly being assaulted by a guard and the other guards will not do anything about it that could be a violation of D.C. assault and negligence laws. But it could also be a violation of your Eighth Amendment right against cruel and unusual punishment. If you put both those things in your Complaint, you can bring your claim in U.S. District Court.

#### 2. Prison Litigation Reform Act

If you are filing in U.S. District Court, you must follow the Prison Litigation Reform Act. The PLRA has three important parts.

##### a. Exhaustion

Before you can file a lawsuit in federal court, you must “exhaust your administrative remedies.” This means you have to file a grievance and appeal it all the way to the final level. You must do this for each claim against each defendant. There are very few exceptions to the exhaustion

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<sup>2</sup> If your Complaint is dismissed “with prejudice” it means that you may not bring the same claims against those defendants again. If your Complaint is dismissed and the order does not say “with prejudice” then you may correct any mistakes and file your Complaint again.

requirement. But if administrative remedies are “not available,” you can file your case.

**b. Fees / Three strikes**

*In forma pauperis* is a legal term for “as a poor person.” If you file a lawsuit *in forma pauperis*, it means you do not have enough money to pay the filing fee and other court costs. In D.C. Superior Court, people who do not have enough money to pay the filing fee can file a lawsuit without paying any money. In U.S. District Court, even poor people must pay. Prisoners can pay in installments from their jail commissary account. The filing fee is \$350.00.

In District Court, if you file three lawsuits that are dismissed for not stating a proper claim, you can only file another lawsuit if you pay the \$350.00 up front. The only exception is if you are in “imminent danger.” It does not count if you *were* in imminent danger, you must still be in imminent danger when you file the lawsuit.

**c. Physical Injury**

You cannot get money damages for a mental or emotional injury unless you ALSO have a physical injury. For mental or emotional injuries alone, you can get an injunction. An injunction is an order from the court ordering the Defendants to stop the mental or emotional abuse. Different courts have different ideas about what a physical injury is. Try to be as specific as possible about your injury so that court has every opportunity to consider your injury sufficient.

**B. Superior Court of the District of Columbia—Civil Division**

If you have claims that arise *under federal statutory or constitutional law*, you *may* file your Complaint in the Superior Court of D.C. *OR* you *may* file your Complaint in U.S. District Court.

If you have claims that arise *under federal statutory or constitutional law AND D.C. law*, you *may* file your Complaint in the Superior Court of D.C. *OR* you *may* file your Complaint in U.S. District Court.

If you have claims that arise *only under D.C. law* (for example, D.C. tort law) and you have no constitutional or federal statutory claims, then you *must* file your Complaint in the Superior Court of D.C.—not in federal court (U.S. District Court).



## 1. Civil Actions Branch

You can file any claim in the Superior Court for the District of Columbia, including D.C., federal, and constitutional claims. However, you must ask for more than \$5,000 in damages in your Complaint.

## 2. Small Claims and Conciliation Branch

If you are seeking \$5,000 or less in damages, you *must* file your claims in the *Small Claims Branch* of the Superior Court. The Small Claims Branch requires you to personally appear and participate in your case. Even if you have a lawyer, you must still appear and participate. For this reason, you should avoid the Small Claims Branch unless you are going to be released very soon. You can avoid the Small Claims Branch by writing in your Complaint that you seeking more than \$5,000 in damages.

For more help figuring out where to file your Complaint, see the table below and the flowcharts in Appendix B.

Examples of Where You Can File Your Complaint		
If you have legal claims of . . .	seeking . . .	then . . .
common law assault ONLY	damages of \$5,000 or more	you <i>must</i> file in the Superior Court of D.C.
	damages of less than \$5,000	you <i>must</i> file in the Superior Court of D.C. Small Claims Branch
common law assault AND federal statutory or constitutional issues	damages of \$5,000 or more	you <i>may</i> file in D.C. Superior Court. <i>OR</i> you may file in the U.S. District Court, <i>IF</i> the assault claim arises out of the same factual circumstances as your federal law (constitutional) claims.
federal statutory and constitutional issues ONLY	damages of \$5,000 or more	you <i>may</i> file in D.C. Superior Court <i>OR</i> you may file in the U.S. District Court.

## Chapter Five: Who Should I Sue?

Who you will sue—or name as defendants—will depend on a variety of factors, such as the facility where your issue arose, your legal claims, the court that you want to file your Complaint, and the damages that you are seeking. In general, sue everyone you think was responsible for your injury and can provide you with the relief you want. As you select the individuals and entities to name as defendants, keep in mind that you will have to provide each of them a copy of your Complaint and a summons (this process is described in Chapter Nine).

There are a few entities that you should *not* name as defendants. Do not name the D.C. Department of Corrections as a defendant; instead, name the District of Columbia. Do not name the D.C. Jail, Central Detention Facility or Central Treatment Facility as defendants—these are all buildings. Instead, name the entities (District of Columbia or CCA and Unity Health Care, Inc.) that manage or provide services at your facility.

### A. Your Facility

#### 1. D.C. Jail or Central Detention Facility

The D.C. Jail (also known as the Central Detention Facility) is located at 1901 D Street S.E., Washington, D.C. 20003. The phone number is (202) 673-8136.

The D.C. Jail is operated by the District of Columbia Department of Corrections (DOC). The Department of Corrections cannot be sued separately from the District of Columbia. If you sue the District of Columbia, you must provide notice before you file a tort suit. Reread page 21 of this guide.

#### 2. Correctional Treatment Facility (CTF)

The CTF is located at 1901 E Street S.E., Washington, D.C. 20003. The phone number is (202) 547-7822.

The District of Columbia Department of Corrections (DOC) has a contract with the Corrections Corporation of America, Inc. (CCA) to operate this facility. CCA provides all services at CTF, except for health care. CCA is a private, for-profit corporation. CCA is incorporated in Tennessee and its headquarters are located at 10 Burton Hills Boulevard, Nashville, Tennessee 37215. The phone number is (615) 263-3000 or (800) 624-2931.

The District of Columbia has a contract with Unity Health Care, Inc. to provide medical care at CTF and the D.C. Jail. Unity Health Care, Inc. is a non-profit corporation incorporated in D.C. with administrative offices located at 1120 12<sup>th</sup> Street SE, Suite 120, Washington, D.C. 20003. The phone number is (202) 715-7900.

## **B. Your Legal Claims**

The legal claims that you bring will help determine both who you name as defendants and in which court you file your lawsuit. This section gives you information about how your legal claims affect who you may name as a defendant.

### **1. Constitutional Violations – “personally involved”**

For constitutional violations, you must prove that every defendant was “personally involved” in your injury.

If an employee commits a constitutional violation, the employer is not automatically responsible. You can still sue the employer, but you have to explain how it was “personally involved.” For example, you could say the city had a bad policy or that the warden allowed the guards to misbehave even if he was not there when you got hurt.

Some officials have protection from lawsuits. This is called immunity. The court will decide if a defendant has immunity.

*Absolute immunity:* Judges, prosecutors, and people who make laws cannot be sued for anything they do as part of their job.

*Qualified immunity:* This only applies to government employees like people who work for the D.C. government. It does not apply to CTF or Unity employees. If a person was doing something as part of his job and did not know he was breaking a law, he cannot be sued. Luckily, you do not have to prove that a person knew he was breaking a law. After you file your Complaint, some of the defendants will probably say that they have qualified immunity. The judge will decide if that is true.

Private companies provide your healthcare, food, and other services. If you feel they are responsible, you may want to consider suing those companies as well.

## **2. Common Law (D.C.) Tort Claims**

### **a. Employees as Defendants and Respondeat Superior**

You should name the employee directly responsible for your injury as a defendant, as well as his/her employer. Because of the legal doctrine of “*respondeat superior*,” an employer may be liable for the tortious acts of employees while they are acting within the scope of their employment. You only need to prove that the employee committed the tort and then the employer is automatically responsible.

*Note:* If you sue a D.C. employee in his official capacity for a common law tort claim, the District of Columbia might be held liable. So, you must provide notice that is received by the D.C. Office of Risk Management within six months of your injury. If you do not, your claim will be dismissed—you will lose.

### **b. Employers as Defendants**

As mentioned above, when an employee causes you harm, you should also name the employer as a defendant. However, you can also name an employer as a defendant in an additional claim for negligence.

To use the same example as above, if you are at CTF and a guard causes your injury, you may also claim that the guard’s misconduct was due to the negligence of CCA in hiring, training, or supervising their employees. Here, you are claiming that CCA is at fault for not using reasonable care in fulfilling their legal responsibilities (their “duties”). Similarly, if a health care worker is negligent in diagnosing or treating your injury or illness and you think this is because Unity Health Care does not properly hire, train, or supervise their employees, you may bring a negligence claim against Unity Health Care and name Unity Health Care as a defendant.

### **c. The District of Columbia as a Defendant**

In general, you should name the District of Columbia as a defendant whenever the District may have to ultimately pay for the damages you are seeking.

*If you are in the D.C. Jail*, the District of Columbia will likely have to pay for any damages you are awarded. For example, if you name an employee of the District of Columbia (such as a guard) as a defendant, the District of Columbia will likely be liable for any damages.

*If you are in the CTF*, whether or not the District of Columbia will ultimately have to pay for the damages you are seeking can be complicated

and will depend in part on the contracts between CCA and the District of Columbia and Unity Health Care, Inc. and the District of Columbia. Currently, the CCA must indemnify, or cover and pay for the liability of, the District of Columbia.

However, the District of Columbia has a duty to provide prisoners with reasonable care. If the District delegates this duty to a private contractor, the District must use reasonable care in selecting and supervising the entities that it contracts with, such as CCA and Unity Health Care. If in doubt, you should name the District of Columbia as a defendant—*in addition to* other defendants.

***Don't forget to provide notice within six months:*** If you are bringing common law *tort* claims that the District of Columbia will ultimately have to pay, you must send the Office of Risk Management a notice of your injury or loss, received by them no more than six months after the injury happened (*see* the section on tort claims for more information).

## Chapter Six: How Do I Write a Complaint?

### 1. What is a Complaint?

A Complaint is a legal document that you write and give to the court and defendants to begin a lawsuit. Your Complaint should state what wrong has been done, what remedy you want, and explain why the court should rule in your favor.

*Note: Because a Complaint is the name of a specific legal document, this handbook always uses a capital “C” when referring to the legal document.*

Your Complaint must state a legal claim and contain enough information so that the court and the defendants know what the lawsuit is about. Complaints are often dismissed for “failure to state a claim upon which relief can be granted.” This means that even though something bad might have happened and you might have the right to money damages, your Complaint did not clearly state a *legal* claim. Make sure you tell the court what law was broken and how.

### 2. Should I pay a writ writer or someone to help me write a Complaint?

You might be able to get some help from fellow inmates. Most prisons have people who are known for helping other inmates write Complaints and respond to motions. These people, sometimes called “writ writers,” or “legal assistants,” typically have no formal legal training. However, because they have experience, they can be helpful in formatting the Complaint and helping you understand the filing requirements or legal terms.

However, *be careful* of inmates or others who encourage you to file a lawsuit or ask you to pay them money to file a lawsuit on your behalf. There are individuals who have collected thousands of dollars from others for filing losing lawsuits. Also beware of an outside agency or firm that asks you to pay money to get a “*pro se*” Complaint that you can then file yourself. The agency or firm is probably practicing law without a license and trying to sell something that is not worth your money or time.

### 3. Can I draft a Complaint on my own?

Writing a Complaint is not especially difficult, especially if you use a form. However, you must pay close attention to detail. A Complaint should be formatted in a specific way, contain specific information, and be submitted in a specific way. If you file a Complaint that is not accepted for filing, the court will usually return it to you and you may file again after you correct any mistakes. To avoid delay, plan your Complaint carefully before you file it.

#### 4. How exactly do I prepare a Complaint?

Because some types of Complaints are common, there are pre-printed forms that you can use. For examples, *see* the Appendices. In addition to using a form Complaint, you may also create one of your own. This section assumes that you are writing one from scratch, but it applies equally to forms. Where the requirements for a Complaint filed in the Superior Court of D.C. and the U.S. District Court for D.C. are different, this section points out those differences.

- a. **Type or write neatly:** If you cannot type, the Complaint can be handwritten. Write as neatly as possible. It must be written on white paper that is 8 ½ by 11 inches. Double space and write on only one side of the paper.
- b. **Number every paragraph:** You should number every paragraph in your Complaint.
- c. **Organize your Complaint:** There are a number of examples and Complaint forms in the Appendices to this handbook that you should consider in drafting your Complaint. Whether you are using a form or are preparing your Complaint from scratch, be sure to include the following six things:
  - 1.) a caption,
  - 2.) a statement about jurisdiction and venue,
  - 3.) a statement of facts,
  - 4.) a list of claims,
  - 5.) a “prayer for relief,” and
  - 6.) your signature.

Each of these parts of a Complaint is described more fully below.

##### 1. Caption

Every paper sent to a court for filing should include a caption on the very first page. A caption does three things: it identifies the court, the parties and the paper being filed.

###### a. **Identify the court:**

###### ⇒ *U.S. District Court*

If you are filing a Complaint in federal court, type or write across the top of the first page:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

###### ⇒ *Superior Court of D.C.*

If you are filing a Complaint in the Superior Court of the District of Columbia, type or write across the top of the first page:

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

- b. **Identify the case:** Below the name of the court, draw a line down the middle of the page. Look in the Appendices for examples. On the right-hand side of the page, about one-third of the way down, draw a horizontal line for the case number.

Then put your name, address, and phone number, followed by “Plaintiff” and a “v.” (for “versus”). Under the “v.,” write the names of all of the defendants you are suing, along with their correct addresses and phone numbers. Later, when you file other documents with the court about your case, you only have to list the first plaintiff and the first defendant.

⇒ *U.S. District Court*

Write or type:

No. \_\_:\_\_\_\_-CV-\_\_\_\_( )

⇒ *Superior Court of D.C.*

Draw four horizontal lines and write or type:

Civil Action No. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Judge \_\_\_\_\_

Next Event: \_\_\_\_\_

The court will fill in the case number, but when you file later documents about your case, you should write the case number.

- c. **Identify the document as a Complaint:** Write or type the word “COMPLAINT” in all capital letters below the names of the parties.

## **2. Statement of Jurisdiction and Venue**

This must be near the beginning of the Complaint because the judge will want to know why you are filing your Complaint in his or her court.

### **a. Jurisdiction**

⇒ *U.S. District Court*

In order for a federal court to have jurisdiction over your claims, you must show that your claims arise from a “federal question.”



A federal question is either a constitutional claim or a federal law claim. If you have a federal question, cite to 28 U.S.C. § 1331 as the basis for the court's jurisdiction.

⇒ ***Superior Court of D.C.***

D.C. courts have jurisdiction over cases arising within the District of Columbia and involving its laws. The Superior Court of D.C. has jurisdiction over people served a copy of your Complaint if you follow the relevant statutes and the Superior Court Rules of Procedure. *See* D.C. Code Ann. § 11-921 (2008); D.C. Super. Ct. Civ. R. 4.

The Superior Court of D.C.-Civil Division consists of several "branches." If you are seeking damages of \$5,000 or less, the Small Claims and Conciliation Branch will have jurisdiction and you should file your Complaint there. If you are seeking more than \$5,000, the Civil Actions Branch will have jurisdiction and you should file your Complaint there (*see* Chapter Eight).

Finally, if you are suing a defendant who is a resident of another state, such as CCA, you might want to mention in your Complaint that the person or corporation conducts significant business within D.C., has sufficient "minimum contacts" with D.C., and that the defendant's acts or omissions caused harm to you in D.C. *See* D.C. Long Arm Statute, D.C. Code Ann. 13-423 (2008) and D.C. Code Ann. 13-334 (2008) (service to foreign corporations).

**b. Venue**

Venue is the geographic location in which you can properly file your Complaint and bring your lawsuit.

⇒ ***U.S. District Court***

In general, federal venue is in any federal district where one of the defendants lives or where the claims arose. Thus, for claims you will bring arising from your stay at the D.C. Jail or CTF, venue is generally proper in the U.S. District for the District of Columbia.

⇒ *Superior Court of D.C.*

If you are filing a Complaint in D.C. Superior Court, you may just write that the court has jurisdiction and venue based on D.C. Code Ann. 11-921 (2008) and D.C. Code Ann. 13-423 (2008).

### **3. Statement of Facts**

A short, clear statement of facts is the most important part of your Complaint. You do not need to provide pages of legal analysis in your Complaint. Take your time in drafting the statement of facts, and try to make it complete and persuasive. Use plain English to explain what happened to you, describing key events in detail. Be sure to include facts about how you were harmed by the defendant's actions.

Keep these general rules in mind:

- ***State facts that you believe are true:*** State facts—not hunches. If you just say that you have a “hunch” that the defendants conspired to injure you, your Complaint will be weak. You need to provide some facts so that the court knows you have a legal claim. When you file a document with the court, you are certifying that what you write is true or that you have good, objective reasons to believe that it is true.
- ***Be brief:*** Include the important facts in your statement of facts. You do not need to mention every detail, though—only the facts that help establish your legal claim.
- ***Avoid bad facts:*** There are two sides to every story. In your Complaint, you should tell yours. You should not mention your own misconduct. You should not mention possible excuses or justifications that the defendants might have. The defendants will put forth their own arguments—you do not need to do it for them. However, if bad facts are necessary for a complete picture of your claims, it may be better for you to state them in the beginning than to wait for the defendant to tell the court about them later.

### **4. List Your Claim(s)**

This is the legal part of your Complaint. First, identify the claims that fit the facts of your case. Make sure you allege every claim that you think may reasonably apply to your case. If you do not bring all of your claims in the same case, you might lose the right to later bring the claims that you did not raise.

Set out each claim in a separate section that is titled with the claim.

Make sure you give enough information to show that you have a legal claim (*see* Chapter Three). If you are referring to the same information for multiple claims, each section can repeat the facts that support that specific claim. Or you may “reallege” or “incorporate by reference” the information from the Statement of Facts.

## **5. State the Relief You Are Seeking**

Your Complaint should have a section titled “Relief” or “Prayer for Relief.” In it, include all of the things you want the court to do.

Possibilities include:

- **Damages.** You may seek money to compensate you for your loss (compensatory damages). In certain circumstances, you can request money as a punishment for the defendant’s actions (punitive damages). In general, you do not have to say how much money you want.

However, if the court’s jurisdiction depends on a minimum or maximum amount, you must request damages of at least that amount. Even then, you can request damages “in excess of \$5,000” (to file your Complaint in the Civil Actions Branch of D.C. Superior Court) or “in excess of \$75,000” (to file a Complaint with claims arising only under D.C. law in U.S. District Court).

U.S. District Court for D.C.: “in excess of \$75,000”

D.C. Superior Court, Civil Actions Branch: “in excess of \$5,000”

- **Equitable Relief.** The Court can provide equitable relief such as an injunction. When a court issues an injunction, it orders the defendants to take certain actions or not to take certain actions. If you ask for an injunction, make sure the defendant can actually take the action or make the changes that you are seeking. For example, a guard cannot change a policy, but the District of Columbia or CCA can. So, do not request an injunction ordering a guard to change a policy; instead, you may request an injunction ordering the District of Columbia or CCA to change a policy.
- **A Catch-All Phrase.** Consider asking for “such other and further relief the Court deems justified.” If you include this catch-all phrase, the court can then give you a remedy that satisfies your concerns but that you did not think to ask for.

## **6. Request for a Jury Trial**

If you want a jury if you go to trial, ask for that right in the Complaint. If you do not, you may not be able to get a jury later.

## **7. Signature**

Unless you are represented by an attorney, you *must* sign your own Complaint. Be sure that at least one of the Complaints that you mail to the court includes your *original signature* (not a photocopy of your signature). Signing in blue ink helps the court recognize an original signature.

## **8. Attachments**

You are not required to attach documents to your Complaint, but may do so if you like.<sup>3</sup>

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<sup>3</sup> Using Written Statements: To be of use in court, a written statement must (1) be made on personal knowledge, (2) set forth such facts as would be admissible in evidence, and (3) show that the person making the statement is competent to testify to the matters stated in the affidavit. Under 28 U.S.C. Section 1746, many of the purposes for which a notary public is required to formalize a written document can be equally satisfied for use in a federal court by a “declaration.” However, the declaration must contain the following phrase: “I declare under penalty of perjury that the foregoing is true and correct.” Then the person should sign the declaration, date it, and provide his permanent address. If a person does not have a permanent address, he may list the permanent address of a spouse or family member. Providing other information, such as the person’s prison I.D. number, Social Security number, and/or a date of birth can be helpful

## Chapter Seven: How Do I File a Complaint in the U.S. District Court of the District of Columbia?

Remember from Chapter Four that the U.S. District Court is a federal court. You can only bring some lawsuits in this court. If you file in this court, you have to pay \$350. You also have to follow the Prison Litigation Reform Act rules.

### A. Filing Fee

Unlike in D.C. Superior Court, in U.S. District Court, you always have to pay to file a Complaint. You can pay the fee in installments if you file *in forma pauperis* (IFP). This is a legal term that means “as a poor person.” You must fill out the Application to Proceed without Prepayment of Fees and Affidavit form. A copy of this form is included in Appendix D. Every time your jail commissary account balance is more than \$10, you must send a payment to the court until the entire \$350.00 is paid.

- If you want to file your Complaint IFP you will need to submit to the court:
- (1) A completed and signed form to request to proceed IFP. (A copy of this form is included in Appendix D).
  - (2) A certified copy of your inmate trust fund account with your income and average balance over the past six months. You can get a copy of this account from the Finance Office.
  - (3) A completed and signed authorization form that permits the jail or CTF to withdraw up to \$350 from your account.

### B. Addresses

You must give the full address for you and every defendant or your suit could be thrown out. If you are suing someone in his official capacity, use his work address. D.D.C. LCvR 11.1.

### C. Filling out Forms

You must always use a Civil Cover Sheet, Form JS-44. *See* Appendix D. This is just a form to help the court understand what kind of lawsuit you are filing.

If your claim is for a constitutional violation, it is really easy to file a claim in U.S. District Court. Just fill out the Complaint for Violation of Civil Rights form in Appendix D. You **MUST** use this form for all constitutional claims. Make sure to write neatly. Sign in ink. Keep a copy and send the original and another copy to the court.

If you have another federal law claim or state claims that arise from the same incident, follow the instructions in Chapter Six on how to write a complaint. There are sample and form Complaints in the Appendix to help you.

Mail your original Complaint and a copy to this address:

U.S. District Court Clerk's Office  
333 Constitution Avenue, N.W.  
Room 1225  
Washington, D.C. 20001

#### **D. Getting a Lawyer**

Unlike criminal court, you do not have a right to a lawyer in a civil lawsuit. However, if you are proceeding *pro se* and the court has granted your Motion to Proceed *In Forma Pauperis*, the judge may appoint you a lawyer. The judge may decide to appoint you a lawyer on his own or you can request a lawyer using a Motion for Appointment for Counsel. *See* Appendix D.

Having a lawyer greatly increases your chances of winning and, if you are appointed a lawyer, he/she will represent you for free. The judge will make his or her decision based in part on how good your case is. So it is very important to write a good Complaint. However, if you are appointed an attorney, and that attorney does not think you have a legal claim, he or she does not have to continue to represent you. He or she will be your attorney only for this lawsuit and not for any other criminal or legal matter you might be involved in. D.D.C. LCvR 83.11.

## Chapter Eight: How Do I File a Complaint in the Superior Court of the District of Columbia?

The general framework for preparing a Complaint, described in Chapter Six, applies to lawsuits filed in the Superior Court of the District of Columbia. For an example of what a Complaint filed in the Superior Court of D.C. should look like, see the sample in Appendix E. This section will provide you with some additional information about filing a Complaint in the Superior Court of D.C.

### 1. Choose the Civil Actions Branch or Small Claims Branch

The branch in which you file your Complaint will depend on how much you are seeking in damages.

- **Small Claims and Conciliation Branch**

The Small Claims and Conciliation Branch decides disputes where the plaintiff is seeking *\$5,000 or less* in damages. Because you must participate in your case if you file your Complaint in the Small Claims and Conciliation Branch, do not file your Complaint here unless you will be released soon.

- **Civil Actions Branch**

If you are seeking *more than \$5,000* in damages, then the Civil Actions Branch has jurisdiction over the claim. File your Complaint here.

### 2. Pay the filing fees

The fees for filing a Complaint, having your claim heard by a jury, and filing a motion in the Superior Court of D.C. vary depending on the branch in which you file your Complaint.

- **Small Claims and Conciliation Branch** (seeking up to \$5,000)

Filing a Complaint	
Seeking \$500 or less	\$5.00
Seeking \$501-\$2,500	\$10.00
Seeking \$2,501-\$5,000	\$45.00
Jury Demand	\$75.00
Filing a Motion	\$10.00

- **Civil Actions Branch** (seeking more than \$5,000)

Filing a Complaint	\$120.00
Jury Demand	-----
Filing a Motion	\$20.00
Additional summons	\$10.00

Filing Fees change often so check with clerk of the court before filing your Complaint. Fees are payable by cash, money order, or cashier's check made payable to: Clerk, D.C. Superior Court.

- **If You Cannot Pay the Filing Fee or Motions fees: File a Motion to Proceed *in Forma Pauperis***

If you cannot pay the fee to file your Complaint, you may file a motion to proceed *in forma pauperis*. This form is included in Appendix F of this handbook. If the court grants this motion, you will not have to pay any court costs.

To file this motion, you should (1) fill out the form motion to proceed *in forma pauperis* in Appendix F of this handbook, (2) attach an affidavit describing your financial circumstances (also in Appendix F of this handbook), and (3) attach a print-out of your jail account.

### **3. Gather the required documents together with your Complaint**

In order to begin your lawsuit, you should file together at the same time:

- 1. a completed information sheet**

This form is provided in Appendix F. Fill out your name, check the "Self (*pro se*)" box, and check the box if you want a jury trial. Write the amount of damages you are requesting. Then check one box to indicate which type of lawsuit you are bringing. Most often, you will be bringing a property tort or personal tort.

- 2. your Complaint**

Make sure you have the correct number of copies of your Complaint and include one with your original signature.

- 3. the filing fee OR a motion to proceed *in forma pauperis***

If you are filing a motion to proceed *in forma pauperis*, make sure you send the completed form and attach the affidavit and a print-out of your jail account. The motion and affidavit forms are included in Appendix F.

- 4. for each defendant, an original summons and two copies of the summons**

The summons form is provided in Appendix F. A summons is an order from the court for the defendant to answer your Complaint and appear in court when notified to do so.



#### **4. Mail your Complaint and the other documents**

Mail your Complaint, together with the documents listed above, to:

Clerk, Superior Court—Civil Division  
Moultrie Courthouse  
500 Indiana Avenue N.W.  
Room JM-170  
Washington, D.C. 20001  
Phone: (202) 879-1133

If your claim is for \$5,000 or less, you should follow similar procedures, but must file your Complaint in the Small Claims Branch. You must be present and participate in your trial if you file your Complaint in Small Claims Branch, so do not file your Complaint here unless you will be released soon. For more information, check the rules of the Small Claims and Conciliation Branch. Send your documents to:

Clerk, Superior Court—Small Claims Branch  
510 4<sup>th</sup> Street N.W.  
Room 120  
Washington, D.C. 20001  
Phone: (202) 879-1120

## Chapter Nine: How Do I Serve the Defendant(s) with My Complaint?

Filing your Complaint with the court is only the first step. The defendants you have named in your lawsuit must also receive “service of process”—the term for officially notifying the defendants that they have been sued by providing each of them a copy of the Complaint and a summons.

### 1. If the court grants your motion to proceed *in forma pauperis*, you do not need to serve the defendants.

#### ⇒ *U.S. District Court*

If you filed your Complaint in federal court and have been allowed to proceed *in forma pauperis*, the court is responsible for seeing that all defendants receive service of process. *See* Fed. R. Civ. P. 4(c)(2).

#### ⇒ *Superior Court of D.C.*

If you filed your Complaint in the Superior Court of the District of Columbia and the court granted your motion to proceed *in forma pauperis*, then the court will see that all defendants receive service of process (a copy of your Complaint and a summons).

### 2. If the court does NOT grant your motion to proceed *in forma pauperis*, you must serve the defendants.

The rules for service of process must be followed carefully. The Federal Rules of Civil Procedure and the D.C. rules governing service of process are roughly the same. This section summarizes some of the more important features of these rules, but you should review the relevant rules themselves before attempting to serve the defendants. Read Fed. R. Civ. P. 4 and D.C. Super. Ct. Civ. R. 4.

#### a. Complete the summons form

Generally, service of process requires sending a copy of the Complaint and a summons to each defendant. A “summons” is a formal document that is signed by the clerk of the court.

You must use the proper summons form for the court in which you file your Complaint. A copy of the federal summons form and the D.C. summons forms are included in the Appendices. Complete the portions of the summons form that you can (i.e., caption of Complaint, name and address of

the defendant to be served with the summons). Then copy the summons form the appropriate number of times for the court in which you are filing.

Send the summons and the copies of summons to the clerk's office with your Complaint. These forms are not effective until signed by the clerk of the court and you receive acknowledgement.

**b. Serve individuals, corporations, and governments**

Being incarcerated limits your ability to serve the defendants, but it is not impossible. Generally, service can be made personally or by certified or registered mail, return receipt requested. It is important to have a record that you completed service to show the court.

Personal service (handing a copy of the summons and Complaint to each defendant) can be made by any person, such as a friend, who is eighteen years of age or older, or you can hire a process server. A list of process servers is included in Appendix H.<sup>4</sup>

Serve the summons and Complaint at the address listed in your Complaint for each defendant. For individuals, you should list their home or work address. There are special rules, however, for serving corporations and government agencies.

Corporations

Corporations receive service of process via the corporation's "registered agent for service of process" or a corporate officer or managing or general agent. You may find out who the "registered agent" is by contacting the Department of Consumer and Regulatory Affairs, Corporation Division, 941 N. Capitol St., First Floor, Washington, D.C. 20001, phone (202) 442-4430.

For both Unity Health Care, Inc. and the Corrections Corporation of American, Inc., the current registered agent for service of process to whom you can serve your summonses and Complaint is:

CT Corporation System  
1015 15<sup>th</sup> Street N.W.  
Ste. 1000  
Washington, D.C. 20005

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<sup>4</sup> D.C. Prisoners' Project has no information as to the quality of these process servers. We provide this list simply as a service to you.

District of Columbia & Mayor of the District of Columbia

For the District of Columbia and the Mayor of the District of Columbia, you must deliver the summons and Complaint to registered agents.

Currently, if you name the District of Columbia as a defendant, service of process must be made upon *two* different agents—the agent for the Mayor *and* the agent for the Attorney General of D.C. The registered agents currently are:

*For the Mayor (The Hon. Adrian Fenty)*

Tabitha Braxton, Abby Frankson, Erica Easter, or Arlethia Thompson  
Office of the Secretary  
John A. Wilson Building  
1350 Pennsylvania Avenue N.W.  
Suite 419  
Washington, D.C. 20004

*For the Attorney General for the District of Columbia*

Darlene Fields, Tonia Robinson, or Gale Rivers  
Office of the Attorney General for the District of Columbia  
441 4<sup>th</sup> Street N.W.  
Room 600-South  
Washington, D.C. 20001  
Phone: (202) 671-2042

**c. Serve the defendants before the deadlines**

In federal court you have **120 days** from the date the Complaint is filed in which to serve all of the defendants. Fed. R. Civ. P. 4(m). In D.C. courts, you have **only 60 days** from the date the summons is “issued” (i.e., signed by the clerk) in which to serve all of the defendants. You can file a motion for an extension of these deadlines, but you have to explain the efforts you have made to serve all of the defendants.

If you are not filing *in forma pauperis* it can be difficult to serve all of the defendants. If it seems like a lot of trouble, don’t give up. Defendants may waive all of the technical requirements of service if they actually receive a copy of the Complaint and have sufficient time to answer. If you file in federal court, there is a form you can send to the defendants asking them to waive the technical requirements of service. That form is in Appendix D.

You can ask the court to appoint someone to serve the defendants for you by filing a motion, but don't delay in getting the defendants served.

**d. As your case proceeds: serving documents other than the Complaint**

Every piece of paper that you file with the court must also be sent to all of the defendants. However, only the Complaint requires service by the cumbersome methods detailed above. Once a defendant has filed something with the court, you should simply mail copies of your filings **to any attorney** that has filed an appearance on behalf of any defendant. Include this information in a "certificate of service" attached to the end of every paper you file. *See* Chapter Ten.

## Chapter Ten: What Happens After I File My Complaint?

### 1. The Defendant(s) Will File an “Answer”

#### A. What is an Answer?

After the defendants get your Complaint, they must respond to you and the court. They respond by filing a legal document called an “Answer.” In the Answer, the defendants will tell you and the court whether they think certain facts and allegations are true. The defendants will read your Complaint and either “admit” or “deny” the facts you wrote. If the defendants do not either “admit” or “deny” something in your Complaint, it is the same as if they had “admitted” it.

The Answer must include the defendants’ “affirmative defenses.” An “affirmative defense” is when the defendants say that even if they did what you said in your Complaint, they cannot be held responsible. Common affirmative defenses are self-defense, statute of limitations, or qualified immunity. If the defendant does not put the defense in the Answer, he “waives” it. This means he can never bring it up again.

#### B. When does a defendant have to file an Answer?

In federal court and in D.C. Superior Court, defendants have 20 days to file an Answer from the date they receive the summons. The District of Columbia, however, has 60 days in which to file an Answer. A defendant might ask the court for more time.

#### C. I haven’t received an Answer. Why?

There are several reasons why a defendant will not file an Answer.

- **The defendant will claim that he/she did not receive your Complaint and summons.** This is why it is very important to make sure you have proof that the defendant actually received your Complaint and summons.
- **The defendant “moves” or asks the court to transfer the case.** The defendant will file a motion with the court and you will receive a copy. You must respond to the defendant’s motion. Additionally, you should also demand that an Answer be filed.
- **The defendant “moves” or asks the court to dismiss the Complaint.** The defendant will file a motion with the court and you will receive a copy. If the court grants the defendant’s motion, your lawsuit will be thrown out of court without the judge or a jury deciding any of the facts or enforcing your rights. Some common reasons why the court might

dismiss your Complaint include that you filed your Complaint in federal court but did not exhaust your administrative remedies (you did not go all the way through the grievance process at the D.C. Jail or CTF), or that you brought a tort action against the District of Columbia, but did not provide the District with notice of your injury within sixty days after it occurred. Another common reason why Complaints are dismissed is because they do not state a *legal* claim.

If the defendant files a motion to dismiss, he is not required to file an Answer until the motion is denied. If the defendant files a motion to dismiss instead of an Answer, read the motion carefully. The defendant will list the mistakes in your Complaint. You may want to correct these mistakes and file an amended Complaint.

#### **D. Do I have to reply to an Answer? Do I have to reply to a motion?**

- **Answer:** When a defendant files an *Answer*, you do not need to file any response unless the answer contains a counterclaim (that is, a claim against you), or the court orders you to file a reply. *See* Fed. R. Civ. P. 7(a).
- **Motion:** When a defendant files a *motion* instead of an Answer, however, you must respond to the motion. The next section discusses how to file and respond to motions.

## **2. You and the Defendant(s) Might File a “Motion”**

### **A. What is a motion?**

A “motion” is a request for the court to do something. In general, if you want the court to do something, you must file a motion.

To make a motion, title your motion “Plaintiff’s Motion for \_\_\_\_\_” and fill in the blank with what you want the court to do. For common motions, some courts provide pre-printed forms that you simply fill out and file with the court.

Every time you file a motion with the court, there is usually a fee. The Superior Court of D.C. waives this fee, however, if they have granted your Motion to Proceed *In Forma Pauperis*.

### **B. Which motions will I use or need to know about?**

Listed below are some motions that you may wish to file at some point during your case, with a brief description of the standards you must meet to have the motion granted. This is not a complete list of all motions. As a *pro*

*se* litigant, you should not worry about formal names. Rather, try to use simple English to convey your request.

### **Motion to Proceed *In Forma Pauperis***

Use one of the forms in the Appendices or draft your own that contains:

- (a) a complete listing of your assets (money and property)
- (b) a listing of your debts, and
- (c) a statement that you cannot afford to pay the filing fee or other fees associated with your case

### **Motion for Appointment of Counsel**

Unlike criminal cases, you do not have the right to an attorney in a civil case. Different courts have different standards for granting this discretionary relief. Generally, your motion should explain:

- (a) the merits of your case and how it may help you and others
- (b) why you can't pay for an attorney
- (c) your efforts to find an attorney to represent you without payment, and
- (d) the difficulty you will have in representing yourself because of the complexity of the legal issues, the amount of factual discovery needed, your lack of education, your difficulties with the English language, or any disabilities which will make it hard for you to prosecute your case

### **Motion for Extension of Time**

If you need more time to respond to a motion or to comply with a court order, do not hesitate to ask for a reasonable extension of time. Try to file the request before the deadline. Brief extensions are routinely granted, particularly when it is the first request for an extension and has been filed before the original deadline passed.

You will increase your chances of obtaining an extension if you explain to the court why you are having difficulty filing a response in the time allowed (e.g., a lockdown, administrative detention, limitations on the use of the library) and explain why you will be able to respond within the extension you request.

## **C. Do I respond to the defendant's motions?**

If you *agree* with the defendant's motion, you can simply not respond and allow the court to grant it or you can file a notice that you consent to defendant's motion. Consenting may speed up the court's decision on the motion. It also shows that you are fair and reasonable.



However, you will probably disagree with most motions filed by a defendant. If you *disagree* with the defendant’s motion, you must respond to the defendant’s motion.

#### **D. When do I respond to the defendant’s motions?**

You have a limited amount of time to respond to any motion, but the amount of time varies depending on the court and the type of motion. Check the local rules of the court to determine how much time you have to respond. If you cannot figure out how much time you have to respond, try to respond as quickly as you are able and include a section in your response detailing any unusual difficulty you had in filing your response if it takes you more than two weeks.<sup>5</sup>

#### **E. How do I respond to the defendant’s motions?**

When you receive a motion, read the motion carefully and try to read all statutes, rules, or cases cited in the motion. See if they say what the defendants say they do. See if the cases are really about situations like yours. Before starting to write your response, take some time to list the things in the motion with which you agree and disagree. If you disagree with the legal standards involved, you will need to research the laws and cases cited in the motion to challenge them.

If you disagree with the facts, you may need to submit evidence to support your side. Try to make your points plainly without overstating your case. You don’t have to use big words—in fact, it’s better not to. And make your sentences short and simple.

The two motions that defendants most often file against prisoners are motions to dismiss and motions for summary judgment. Although similar motions, the standards that must be met to have these two motions granted are very different:

##### **Motion to Dismiss**

This kind of motion looks only at the allegations of your Complaint and argues that it is somehow defective. The defendant typically argues that your Complaint does not state a legal claim. In making such a motion, the defendant will ordinarily identify the claims made in your Complaint and the standards for stating those claims.

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<sup>5</sup> For purposes of meeting filing deadlines in *federal* court, an inmate’s legal papers are considered “filed” as of the date they are delivered to a prison official for mailing. *Houston v. Lack*, 487 U.S. 266, 270-71 (1988) (“inmate mailbox rule”).

In responding to this kind of motion, identify all claims that the defendant did not address (or may have overlooked) and explain how you have met the standards for stating the claims in your Complaint. For those claims that were addressed, consider whether the defendant has a point. Abandoning weak or baseless claims can enhance your credibility with the defendant(s) and the court. Otherwise, explain to the court the reason that your claims should be considered.

Do not hesitate to amend (edit) your Complaint to include allegations that will clarify or state another claim or identify other defendants. You amend a Complaint by asking the court's permission in your own motion. If the court grants your Motion to Amend Complaint, you then submit a new, better written Complaint.

### **Motion for Summary Judgment**

This is the kind of motion in which the defendant(s) argues that you don't have enough evidence to prove your point. In response, you can argue that the motion ignores questions of fact that are not yet resolved, that you have evidence to prove your claims, or that you need time to get the evidence that will prove your claims. Sometimes you can argue all of these.

You should file all evidence that you have to support your claims in response to a motion for summary judgment. In particular, you should prepare a sworn statement that you sign, either as an affidavit or (when allowed) a sworn declaration. The affidavit or sworn declaration should state the evidence or the facts that you would tell the court if you were to testify in a court hearing.

### **F. Do I need to sign my motions and documents to be filed in court?**

Yes. The Rules of Civil Procedure (both state & federal) require that every document filed with the court bear the name, address, and signature of the person who files it. *See* Fed. R. Civ. P. 11, D.C. Super. Ct. Civ. R. 14. Please be aware that your signature on such a pleading constitutes a "certificate that to the best of [your] knowledge, information, and belief formed after a reasonable inquiry, [the document] is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."

**G. Do I need to mail the defendant(s) a copy of the motions and documents that I file with the court?**

Yes. You **must** mail a copy of every paper you file with the court to all defendants and include a statement that you have done so in the paper itself. D.C. Super. Ct. Civ. R. 5. This is commonly called the “certificate of service” and it is usually the last page of every document filed. You can simply include a statement below your signature that “I mailed a copy of this paper to counsel for all parties on [date].” However, the rules of civil procedure technically require a little more, and attorneys typically take a more formal approach to the requirements of this rule, such as the following:

<b><u>CERTIFICATE OF SERVICE</u></b>	
I hereby certify that a true and correct copy of my <i>Motion for Extension of Time [title of your paper being filed]</i> was served by first class mail, postage prepaid, on the date indicated below upon the following counsel of record:	
<i>Catherine Randolph</i> <i>Name of Law Firm</i> <i>1098 K St. N.W.</i> <i>Washington, D.C. 20008</i> <i>[Name and address of the defendant’s attorney]</i>	
_____	<i>John B. Smith [your signature]</i>
Date	<i>John B. Smith [your name]</i>

**3. If Your Claim is Not Dismissed, Conduct Discovery**

**A. What is discovery?**

Discovery is anything that you do to obtain evidence to support your case.

*Informal* discovery includes talking with witnesses, copying information from newspapers or other public sources, and keeping careful notes about things that you have seen or heard that are relevant to your claims. You should begin informal discovery long before you file your Complaint.

*Formal* discovery is a legal process which provides a few different ways to obtain evidence from defendants. You can ask for discovery of anything that

is relevant to your case. Defendants will also serve discovery on you. That means you may have to answer interrogatories, document requests and requests for admissions. You will also likely be deposed.

There are four key types of discovery:

### **Interrogatories**

These are a list of questions directed to the defendant.  
*See Fed. R. Civ. P. 33; D.C. Super. Ct. Civ. R. 33.*

### **Document Requests**

These are a list of documents you want from a defendant.  
*See Fed. R. Civ. P. 34; D.C. Super. Ct. Civ. R. 34.*

### **Requests for Admissions**

These are a list of facts to which you believe a defendant may admit.  
*See Fed. R. Civ. P. 36; D.C. Super. Ct. Civ. R. 36.*

### **Depositions**

A deposition is an interview of a witness taken under oath and recorded by a stenographer or video camera. *See Fed. R. Civ. P. 30; D.C. Super. Ct. Civ. R. 30.* You can also do a deposition with written questions. *See Fed. R. Civ. P. 31; D.C. Super. Ct. Civ. R. 31.*

For prisoners who are representing themselves, the most important discovery tools are interrogatories and requests for documents. Defendants generally admit little or nothing, and courts will not ordinarily permit prisoners to conduct depositions.

Typically, courts do not allow the parties to serve discovery on each other until after some initial conference is held or a motion to dismiss is denied. *See Fed. R. Civ. P. 26(a)(1)(E)(iii)* (action filed by prisoner *pro se* is exempt from initial disclosures, discovery planning conference). **Formal discovery is mailed to defendants, but it is not filed with the court unless it is being attached to a motion or a response to a motion.**

If you get to the point where you are in discovery, write the D.C. Prisoners' Project for more advice. You may need the help of an attorney.

## **4. After Discovery, Settle Your Case or Go to Trial**

### **A. Will my case go to trial?**

Most civil cases do not go to trial. Instead, the parties reach a settlement agreement instead of going to trial. A settlement conference is like a negotiation, where the plaintiff and defendant (and their attorneys) discuss

the case and try to reach a compromise. If they can agree, the plaintiff agrees to drop his/her lawsuit in return for something from the defendant (usually money). The settlement agreement is like a contract. A civil case only goes to trial if the parties cannot reach a settlement agreement. If your case reaches the point of a settlement conference and you are unsure of how to negotiate, write to the D.C. Prisoners' Project.

## **B. How do I conduct a trial?**

How to conduct a trial is beyond the scope of this handbook. There are numerous rules governing witnesses, whether you have a right to a jury, how the jury is chosen, and how evidence is admitted (and objected to) during the trial. If you are going to go to trial, ask the court to appoint an attorney for you—file a Motion for Appointment of Counsel. If the court denies your motion, write to the D.C. Prisoners' Project for help. We cannot make any promises, but maybe we can find someone to help you.



# Appendix A: Grievance Procedures

## A. Steps in the Grievance Process at the D.C. Jail

<b>D.C. Jail</b>	- <b>Read about the grievance process</b> in the Inmate Grievance Procedure, Inmate Handbook, and D.C. Department of Corrections Program Statement. If you do not have your own copy, these must be available to you in the library. Pay close attention to deadlines. Staff must not discipline you or retaliate against you for filing a grievance. Before you submit your grievance, consider making a photocopy or hand-copy and keeping it for your own records.
Informal grievance process	- <b>Fill out an Inmate Complaint-Informal Resolution form.</b> You must submit this form within <i>7 calendar days</i> after the incident or seven calendar days from when you learned of the incident. Any staff member assigned to your housing unit must make these available to you, even if you are currently being disciplined. Put the complaint in the grievance box. You will receive a receipt that confirms your complaint was received.
<b>What if I have an emergency?</b> Then you do not have to file a grievance in this way. You may file an Emergency Grievance. See the D.C. Department of Corrections Program Statement.	- <b>Assist with the investigation and read the response:</b> A staff member will talk to you. That person will also talk to others and do some research. You should receive a response within 10 days. If you do not receive a response within 10 calendar days, you may file a formal complaint. SEE BELOW.
Formal grievance process	- <b>Decide if you are satisfied with the response.</b> <ul style="list-style-type: none"><li>• If you are satisfied with the response, sign it. Your problem has been resolved and you may not go to court. STOP HERE.</li><li>• If you are not satisfied with the response, then file a formal grievance within <i>5 calendar days</i> after you receive the informal resolution response. SEE BELOW.</li></ul>
	- <b>Fill out Inmate Grievance Process Form 1 Grievance (IGP Form 1).</b> Any staff member who is assigned to your housing unit should give you this

form, or you can get one from your library. Make sure you follow the instructions in the D.C. Department of Corrections Program Statement. You should submit this form within **5 calendar days** after you receive the response from your informal grievance.

- **Put the grievance in the locked box** in your housing unit marked “Grievances.”
- **Read the warden’s response.**
  - If you are satisfied, STOP HERE.
  - If you are not satisfied, then file an appeal with the Deputy Director. SEE BELOW.

Grievance appeal:

- **If you are not satisfied with the warden’s response, you may appeal it.** Fill out an Inmate Grievance Process Form 2 Appeal—Deputy Director (IGP Form 2). You must file this within **5 calendar days** after you receive a response from the warden. You should attach a photocopy of your informal complaint, your formal complaint, all responses, and any supporting information. Keep your original documents. You should receive a response from the Deputy Director within 21 days.

Final grievance appeal:

- **If you are not satisfied with the Deputy Director’s response, you may file a final appeal.** Fill out an Inmate Grievance Process Form 3 Appeal (IGP Form 3). Include a photocopy of all of your earlier complaints, appeals, responses, and supporting information. You must submit this appeal within 5 calendar days after you received a response from the Deputy Director. You will receive a response from the Director within 21 calendar days.

Stop or go to court:

- If you are not satisfied with the Director’s response, you may now bring your complaint to court.

## B. Steps in the Grievance Process at the Correctional Treatment Facility (CTF)

CTF

- **Read about the grievance process** in Chapter 14 of the CCA Corporate and Facility Policy and your Inmate Handbook. If you do not have a copy, these are available to you in the library. Pay close attention

Informal grievance process



to deadlines. Staff must not discipline you or retaliate against you for filing a grievance.

**What if I have an emergency to my health or safety?**

Then you may not have to file an informal grievance (14-5A). You may file an Emergency Grievance using Form 14-5B and receive a response within one day.

Formal grievance process

- **Fill out the 14-5A Informal Resolution form.** You must submit this form within *7 calendar days* of the event that you are complaining about. If your complaint is about medical care, submit your form to health services staff via mail. For other complaints, give your complaint to the person mentioned in the policy—often this is a Grievance Officer or the Grievance Coordinator.
- **Assist with the investigation and read the response:** A staff member will talk to you. That person will also talk to others and do some research. You should receive a response within 15 days.
- **Decide if you are satisfied with the response.**
  - If you are satisfied with the response and your problem has been resolved, then you may not want to go to court. **STOP HERE.**
  - If you are not satisfied with the response, then submit a formal grievance within *5 calendar days* after you receive the informal resolution response. **SEE BELOW.**
- **Fill out 14-5B Inmate/Resident Grievance Form.** Make sure you follow the instructions in the CCA Corporate and Facility Policy. Currently, you must submit this form within *5 calendar days* of the date listed on the response to your informal grievance. You must also attach a photocopy of your initial grievance (the 14-5A form). Before you submit your grievance, consider keeping a photocopy for yourself.
- **Put the grievance in a sealed envelope marked “Grievance” and put it in the grievance mail box.**
- **Read the response.** You should receive a response within 15 days.

- If you are satisfied, STOP HERE.
- If you are not satisfied, then file an appeal. SEE BELOW.

Appeal: grievance  
appeal to warden:

- **If you are not satisfied with the response, you may appeal it to the warden.** Fill out the appeal section of 14-5B and resubmit the grievance. You must file this within **5 *calendar days*** of the response date listed on the 14-5 Inmate/Resident Grievance form. Follow the instructions in Chapter 14 of the CCA Corporate and Facility Policy and your Inmate Handbook. You must attach a copy of your previous complaints and responses you received. Consider making a photocopy of your documents before you submit them. You should receive a response within 15 calendar days.

Appeal: grievance  
appeal to contract  
monitor:

- **If you are not satisfied with the warden's response, you may file a an appeal to the Contract Monitor.** You must submit this appeal within **5 *calendar days*** after you receive the warden's decision. You must attach your previous grievances and responses.

Appeal: grievance  
appeal to Director, D.C.  
Dept. of Corrections

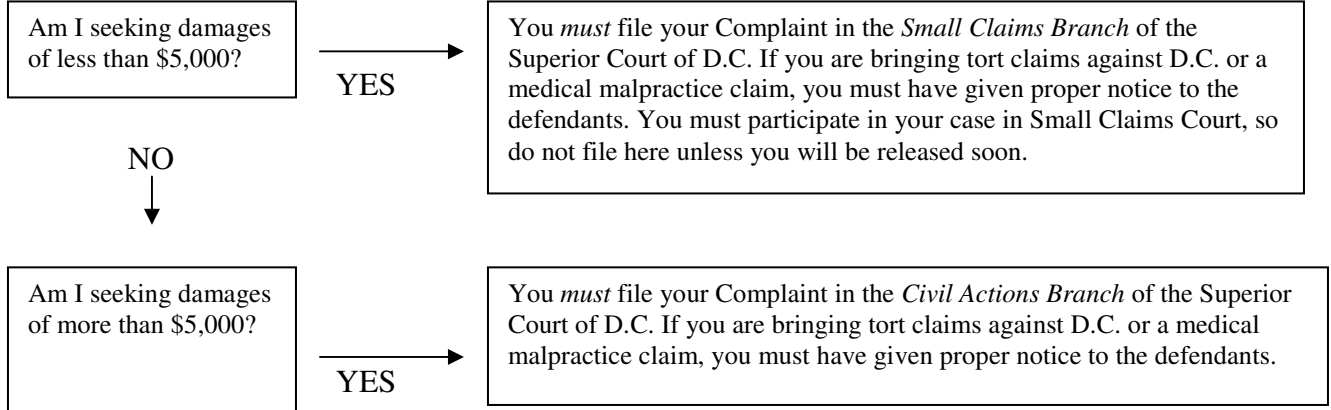
- **If you are not satisfied with the Contract Monitor's response, you may file an appeal to the Director of the D.C. Department of Corrections.** You must submit this appeal within 5 days after you receive the Contract Monitor's decision. You must attach your previous grievances and responses.

Stop or go to court:

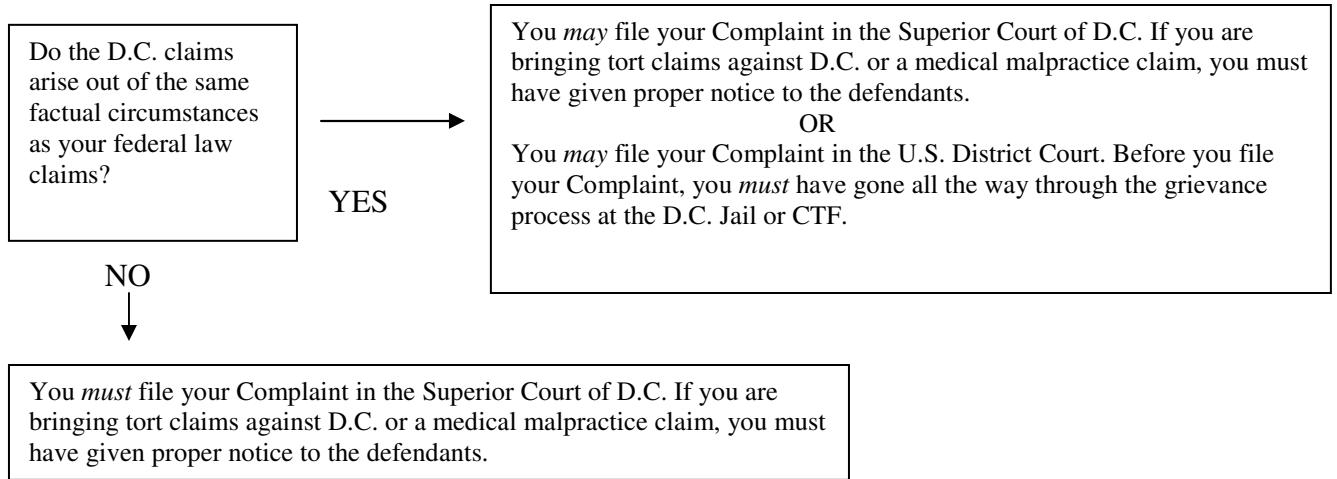
- If you are not satisfied with the response from the Director of the D.C. Department of Corrections, you may now bring your complaint to court.

## Appendix B: Jurisdiction Flowcharts

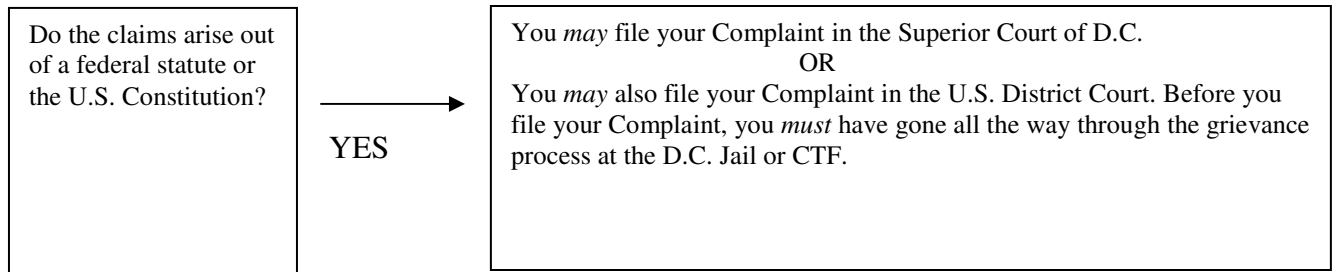
### I am bringing claims that arise ONLY under D.C. law. Where should I file my Complaint?



### I am bringing claims that arise under D.C. AND federal law. Where should I file my Complaint?



### I am bringing claims that arise ONLY under federal law. Where should I file my Complaint?





## Appendix C: Sample Complaints for U.S. District Court

The parts in “handwriting” print are for you to change to fit your situation.

The regular print may also have to be changed, but generally should go in a Complaint.

### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

<hr/>		
<i>YOUR NAME,</i> Pro se	)	
CORRECTIONAL TREATMENT FACILITY	)	
1901 E STREET, SE	)	No. __:____-CV-__(_)
WASHINGTON, D.C. 20003	)	
(202) 673-8136	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CORRECTIONS CORPORATION OF	)	
AMERICA, INC.	)	
10 BURTON HILLS BLVD.	)	
NASHVILLE, TN 37215	)	
(800) 624-2931	)	
Defendant.	)	
<hr/>		

### COMPLAINT

This is an action seeking monetary damages stemming from injury Plaintiff received as a result of Defendant’s violation of the Americans with Disabilities Act 42 U.S.C. § 12101 et seq.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1331 federal question because an ADA claim is a matter of federal law.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391(a) because the events giving rise to this claim took place in this judicial district.

### **PARTIES**

3. Plaintiff, *Your Name*, is an inmate at the Central Treatment Facility (hereinafter “CTF”), located at 1901 E Street S.E., Washington, D.C. 20003. He entered the facility on *date*.

4. Defendant Corrections Corporation of America, Inc. (hereinafter “CCA”) is a business incorporated in Tennessee doing business in Washington, D.C. and operates the CTF in Washington, D.C.

### **FACTUAL ALLEGATIONS**

*DESCRIBE THE FACTS OF THE SITUATION. Use as many numbers as you need, but be clear and to the point.*

5. Fact one

6. Fact two

### **CLAIM FOR RELIEF**

7. Defendant CCA refused to provide reasonable accommodation to Plaintiff’s disability in violation of the ADA. As a result of Defendant’s violation, Plaintiff suffered bodily injuries and physical and mental pain.

### **PRAYER FOR RELIEF**

WHEREFORE Plaintiff demands judgment against Defendant for damages, costs and all other relief as this Court deems necessary and proper.

### **JURY DEMAND**

Plaintiff demands trial by jury of all issues triable by jury as of right.

Dated:

Respectfully submitted,

By \_\_\_\_\_ **SIGN HERE**  
[*YOUR NAME*], Pro Se

## Appendix D: Forms for Filing a Complaint in U.S. District Court

- D-1: Prisoner *In Forma Pauperis* Instructions
- D-2: Prison Trust Account Report
- D-3: Motion to Proceed *In Forma Pauperis*
- D-4: Consent to Collection of Fees from Trust Account
- D-5: Civil Cover Sheet
- D-6: Sample Complaint
- D-7: Application for Appointment of Counsel





**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**INSTRUCTIONS TO PRISONER LITIGANTS**  
**REGARDING THE FILING OF A CIVIL COMPLAINT AND**  
**APPLICATION TO PROCEED IN FORMA PAUPERIS**

Listed below, you will find very important information relating to the preparation of a civil complaint for filing in this Court. **Please read the instructions carefully.** The filing fee for a civil action is \$350.00. Pursuant to the amendments to 28 U.S.C. § 1915, a prisoner must pay the full filing fee when bringing a civil action. If, however, insufficient funds exist in the prisoner's account, the court must assess a partial filing fee. Thereafter, the prisoner is required to make monthly payments of the preceding month's income. The agency having custody of the prisoner must forward payments from the prisoner's account to the Clerk of Court each time the amount in the account exceeds \$10.00, until the filing fee is paid.

You may request permission from the court to proceed in forma pauperis, following the assessment of the initial filing fee, by completing the enclosed Application to Proceed without Prepayment of Fees and Affidavit.

- ⇒ The name of this Court must be written at the top of the first page of your complaint. (Sample format attached).
- ⇒ Your **name, address** and **prisoner identification number** must appear in the caption. All defendants **must** be named in the caption. The use of et al. is **not** permitted as the rules require you to name each defendant. Please provide the address of each named defendant.
- ⇒ The word **COMPLAINT** must appear under the caption. Clearly set out your grievance in the body of the complaint, name those against whom you have a grievance, and what you would like the Court to do to correct the situation.
- ⇒ Your complaint must be **legibly** handwritten or typed on white, letter-size (8 1/2 x 11 inch) paper. Write only on the front of each page. Your complaint **must** be double-spaced. If you are requesting a jury trial, the jury demand must be stated in your complaint. You **must** originally sign your complaint in ink.
- ⇒ A Petition for Writ of Habeas Corpus or a complaint under 42 U.S.C. § 1983, submitted by anyone incarcerated in a District of Columbia facility, **must** be on Court approved forms. The filing fee for a habeas corpus petition is \$5.00.
- ⇒ You **must** file the originally signed complaint, as well as the originally signed Application to Proceed without Prepayment of Fees. In addition, you are required to file a Consent to Collection of Fees from Trust Account form, Prisoner Trust Account Report, and a six-month certified copy of your prison trust account statement.
- ⇒ Preparation of the summons will be the responsibility of the Clerk's Office. If you are granted your request to proceed in forma pauperis, your summons and complaints will be served by the U.S. Marshal, when the Judge so directs.
- ⇒ Please mail your complaint and all other appropriate documents to: U.S. District Court Clerk's Office, 333 Constitution Avenue, NW, Room 1225, Washington, DC 20001.

NANCY MAYER-WHITTINGTON, CLERK



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**PRISONER TRUST ACCOUNT REPORT**

Name: \_\_\_\_\_ Registration

#: \_\_\_\_\_

Please submit this to the trust officer of every institution in which you have been confined during the preceding six months. Submit the completed forms and supporting ledger sheets to the Court.

\*\*\*\*\*

To: Trust Officer

From: Clerk, U.S. District Court for the District of Columbia

Under the Prison Litigation Reform Act (PLRA), a prisoner filing a civil action must obtain from the trust officer of each institution in which the prisoner was confined during the preceding six months a certified copy of the prisoner's trust account statement for the six months prior to filing of the action. 28 U.S.C. § 1915(a)(2).

Please complete this form, attach the supporting ledger sheets, and return these documents to the prisoner.

BALANCE at time of filing of the action: \_\_\_\_\_

AVERAGE MONTHLY DEPOSITS during the  
six months prior to filing of the action: \_\_\_\_\_

AVERAGE MONTHLY BALANCE during the  
six months prior to filing of the action: \_\_\_\_\_

I certify that the above information accurately states the deposits and balances in applicant's trust fund account for the period shown and that the attached ledger sheets are true copies of account records maintained in the ordinary course of business.

Date: \_\_\_\_\_

Authorized Signature:

\_\_\_\_\_

Title:

\_\_\_\_\_



# UNITED STATES DISTRICT COURT

District of COLUMBIA

## APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

Plaintiff

V.

Defendant

CASE NUMBER:

I, \_\_\_\_\_ declare that I am the (check appropriate box)

petitioner/plaintiff/movant                       other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?                       Yes                       No                      (If "No," go to Part 2)

If "Yes," state the place of your incarceration \_\_\_\_\_

Are you employed at the institution? \_\_\_\_\_ Do you receive any payment from the institution? \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past **six** months' transactions.

2. Are you currently employed?                       Yes                       No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. (List both gross and net salary.)

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment                       Yes                       No
- b. Rent payments, interest or dividends                       Yes                       No
- c. Pensions, annuities or life insurance payments                       Yes                       No
- d. Disability or workers compensation payments                       Yes                       No
- e. Gifts or inheritances                       Yes                       No
- f. Any other sources                       Yes                       No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have **any** cash or checking or savings accounts?  Yes  No

If "Yes," state the total amount. \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value?  Yes  No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. (If children are dependents, please refer to them by their initials)

I declare under penalty of perjury that the above information is true and correct.

---

Date

---

Signature of Applicant

**NOTICE TO PRISONER:** A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT**

Re: \_\_\_\_\_ v. \_\_\_\_\_

Civil Action No. \_\_\_\_\_

I, \_\_\_\_\_, Reg. No. \_\_\_\_\_, hereby consent for the appropriate prison official to withhold from my prison account and to pay the U.S. District Court an initial fee of 20 percent of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint.

I further consent for the appropriate prison officials to collect from my account on a continuing basis each month, an amount equal to 20 percent of each month's income. Each time the amount in the account reaches \$10.00, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court, until such time as the \$250.00 filing fee is paid in full.

If appropriate, I will execute the institution consent form where I am housed, which will permit the staff to withdraw the amount ordered by this court as payment for the filing fee each month until the \$250.00 filing fee is paid in full.

By executing this document, I also authorize collection, on a continuing basis, of any costs imposed by the District Court.

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Date





# CIVIL COVER SHEET

JS-44  
(Rev.1/05 DC)

<b>I (a) PLAINTIFFS</b>  <b>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____</b> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b>  COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
<b>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</b>	ATTORNEYS (IF KNOWN)

<b>II. BASIS OF JURISDICTION</b> (PLACE AN x IN ONE BOX ONLY)	<b>III CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b>																								
<input type="checkbox"/> 1 U.S. Government Plaintiff  <input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in item III)																								
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 10%; text-align: center;">PTF</th> <th style="width: 10%; text-align: center;">DFT</th> <th style="width: 30%;"></th> <th style="width: 10%; text-align: center;">PTF</th> <th style="width: 10%; text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

## IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place a X in one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

<input type="checkbox"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> <b>B. Personal Injury/Malpractice</b>  <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="checkbox"/> <b>C. Administrative Agency Review</b>  <input type="checkbox"/> 151 Medicare Act  <u>Social Security:</u> <input type="checkbox"/> 861 HIA ((1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)  <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="checkbox"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
--	--	--	---

**E. General Civil (Other) OR**  **F. Pro Se General Civil**

<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<u>Forfeiture/Penalty</u> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 900 Appeal of fee determination under equal access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
---	--	---	--

<input type="checkbox"/> <b>G. Habeas Corpus/ 2255</b> <input type="checkbox"/> 530 Habeas Corpus-General <input type="checkbox"/> 510 Motion/Vacate Sentence	<input type="checkbox"/> <b>H. Employment Discrimination</b> <input type="checkbox"/> 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability age, religion, retaliation)  *(If pro se, select this deck)*	<input type="checkbox"/> <b>I. FOIA/PRIVACY ACT</b> <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="checkbox"/> <b>J. Student Loan</b> <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
<input type="checkbox"/> <b>K. Labor/ERISA (non-employment)</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> <b>L. Other Civil Rights (non-employment)</b> <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 American w/Disabilities-Employment <input type="checkbox"/> 446 Americans w/Disabilities-Other	<input type="checkbox"/> <b>M. Contract</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> <b>N. Three-Judge Court</b> <input type="checkbox"/> 441 Civil Rights-Voting (if Voting Rights Act)

**V. ORIGIN**

- 1 Original Proceeding    
 2 Removed from State Court    
 3 Remanded from Appellate Court    
 4 Reinstated or Reopened    
 5 Transferred from another district (specify)    
 Multi district Litigation    
 7 Appeal to District Judge from Mag. Judge

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**

**VII. REQUESTED IN COMPLAINT**    
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23     
**DEMAND \$**    
Check YES only if demanded in complaint **JURY DEMAND:**  YES  NO

**VIII. RELATED CASE(S) IF ANY**    
(See instruction)    
 YES    
 NO    
If yes, please complete related case form.

DATE    
SIGNATURE OF ATTORNEY OF RECORD

**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff is resident of Washington, D.C.; 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI.** CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASES, IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

(Enter your full name, prison number and address)

v.

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

(Enter the full name and address(es), if know, of the defendant(s) in this action)

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

Instructions for filing a Complaint by a Prisoner  
Under the Civil Rights Act, 42 U.S.C. § 1983

This packet contains one copy of a complaint form and one copy of an application to proceed *in forma pauperis*. To start an action, you must file an original and one copy of this complaint form.

Your complaint must be clearly handwritten or typewritten and you must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use another blank page.

Your complaint can be brought in this Court only if one or more of the named defendants is located within the District of Columbia. Further, you must file a separate for each claim that you have unless they are related to the same incident or problem. The law requires that you state only facts in your complaint.

You must supply a certified copy of your prison trust account, pursuant to the provisions of 28 U.S.C. §1915, effective April 26, 1996. The filing fee is \$350.00. If insufficient funds exist in your prison account at the time of filing your complaint, the court must access, and when funds exist, collect an initial filing fee equal to 20 percent of the greater of:

- (1) the average monthly deposits to your prison account, or
- (2) the average monthly balance of your prison account for the prior six-month period.

Thereafter, you are required to make monthly payments of 20% of the preceding month's income. The agency having custody over you must forward payments from your account to the clerk of the court each time the amount in the account exceeds \$10.00 until the filing fees are paid.

Therefore, before an assessment can be made regarding your ability to pay, you must submit a certified copy of your prison account for the prior six-month period.

When this form is completed, mail it and the copy to the Clerk of the United States District Court for the District of Columbia, 333 Constitution Ave., N.W., Washington, D.C. 20001.

**I. SUCCESSIVE CLAIMS**

Pursuant to the Prison Litigation Reform Act of 1995, unless a prisoner claims to be in "imminent danger of serious physical injury," he or she may not file a civil action or pursue a civil appeal *in forma pauperis* "if the prisoner has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or they failed to state a claim upon which relief could be granted."

**II. PREVIOUS LAWSUITS**

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes ( ) No ( )
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes ( ) No ( )
- C. If your answers to A or B is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- 1. Parties to this previous lawsuit.

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

- 2. Court (If federal court, please name the district; if state court name the county.)

\_\_\_\_\_

- 3. Docket number: \_\_\_\_\_

- 4. Name of judge to whom case was assigned: \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_  
\_\_\_\_\_
6. Approximate date of filing lawsuit: \_\_\_\_\_  
\_\_\_\_\_
7. Approximate date of disposition: \_\_\_\_\_  
\_\_\_\_\_

### III. PLACE OF CONFINEMENT

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- A. Is there a prisoner grievance procedure in this institution? Yes ( ) No ( )  
If your answer is Yes, go to Question III B. If your answer is No, skip Questions III, B, C and D and go to Question III E.
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?  
Yes ( ) No ( )
- C. If your answer is Yes to Question III B:
1. To whom and when did you complain? \_\_\_\_\_  
\_\_\_\_\_
  2. Did you complain in writing? (Furnish copy of the complaint you made, if you have one.) Yes ( ) No ( )
  3. What, if any, response did you receive? (Furnish copy of response, if in writing.) \_\_\_\_\_  
\_\_\_\_\_
  4. What happened as a result of your complaint? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- D. If your answer is No to Question III B, explain why not. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ( ) No ( )
- F. If your answer is Yes to Question III E;
1. To whom and when did you complain? \_\_\_\_\_  
\_\_\_\_\_

2. Did you complain in writing? (Furnish copy of the complaint you made, if you have one.) Yes ( ) No ( )

3. What, if any response did you receive? (Furnish copy of response, if in writing.)

\_\_\_\_\_

4. What happened as a result of your complaint? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IV. PARTIES**

In item A below, place your name and prison number in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: \_\_\_\_\_

Address: \_\_\_\_\_

In item B below, place the full name of the defendant(s) in the first blank, their official position in the second blank, their place of employment in the third blank, and their address in the fourth blank. Do the same for additional defendants, if any.

B. Defendant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Defendant: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Defendant: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Defendant: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

**V. STATEMENT OF CLAIM**

State here briefly as possible the facts of your case. Describe how each defendant is involved. Include the names of other persons involved, dates, and places. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra sheets, if necessary.

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**VI. RELIEF**

State briefly exactly what you want the Court to do for you.

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
(Date) (Signature of Plaintiff)





**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

\_\_\_\_\_, )  
Plaintiff, )  
 )  
 )  
vs. ) Case No. \_\_\_\_\_  
 )  
\_\_\_\_\_, )  
Defendant(s). )  
 )

**MOTION FOR APPOINTMENT OF COUNSEL**

I, *YOUR NAME*, hereby apply for appointment of Counsel. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the plaintiff in the above-entitled case and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay a reasonable attorney fee.
- (3) I have made diligent efforts to obtain legal counsel but because of my poverty I have been unable to secure same.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on *DATE*.

\_\_\_\_\_  
Signature of Plaintiff



**Appendix E: Sample Complaint for D.C. Superior Court**

The parts in regular print should go in your Complaint. However, you will need to change the facts (the events that took place, your injuries). The parts in “handwriting” should also be changed.

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

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<i>John B. Smith</i>	:	
<i>3812 Main St.</i>		
<i>Washington, D.C. 20007</i>	:	
<i>(202) 111-2222</i>		
Plaintiff	:	Civil Action No.
		Calendar No.
v.	:	Judge
		Next Event:
Corrections Corporation of America, Inc.	:	
10 Burton Hills Boulevard		
Nashville, Tennessee 37215	:	<b>JURY TRIAL DEMANDED</b>
(800) 624-2931,		
	:	
District of Columbia		
441 4th Street N.W.	:	
Washington, D.C. 20001		
(202) 727-6295,	:	
and	:	
<i>Adam Butler</i>	:	
<i>1776 L Street N.W.</i>		
<i>Washington, D.C. 20006</i>	:	
<i>(202) 222-3456</i>		
Defendants	:	

---

**COMPLAINT**

Comes now Plaintiff *John B. Smith* (“Plaintiff”), with his complaint against defendants Corrections Corporation of America and the District of Columbia, and alleges as follows:

## PARTIES, JURISDICTION, AND VENUE

1. Jurisdiction of this court is founded on D.C. Code Ann. § 11-921 (2001).
2. Plaintiff *John B. Smith* is and was, at all times relevant hereto, a prisoner in custody of the District of Columbia Department of Corrections (DOC). At the time of the events relevant hereto, *Mr. Smith* was incarcerated in the Central Treatment Facility (CTF), a facility operated by the Corrections Corporation of America (CCA). *Mr. Smith* is currently incarcerated at CTF.
3. Defendant the District of Columbia has contracted with defendant CCA to provide services at the CTF. *See* D.C. Code § 24-261.05 (formerly § 24-495.5).
4. Defendant CCA is incorporated and has its headquarters in Nashville, Tennessee. CCA has sufficient contacts with the District of Columbia, deliberately avails itself of business opportunities in the District of Columbia, and committed acts and omissions in the District of Columbia that lead to Plaintiff's harm. *See* D.C. Code Ann. § 13-423 (2008).
5. The amount in dispute is greater than \$5,000.

You will need to change ALL of the facts to fit your situation.

## STATEMENT OF FACTS

6. On January 3, 2008 at approximately 8:15 p.m., Correctional Officer *Butler* at the CTF told Plaintiff *John Smith* to leave the cafeteria where Plaintiff was mopping the floor.
7. Plaintiff responded that Correctional Officer *Thompson* told him to remain there until he returned and told him to leave.
8. Correctional Officer *Butler* told Plaintiff to leave immediately or he would be punished.
9. Plaintiff, following Correctional Officer *Butler's* instructions, began to leave the room when, without just cause or provocation, the defendant Correctional Officer *Butler* grabbed the mop from Plaintiff and hit him across the head and back with the handle, causing the Plaintiff to suffer serious injuries.
10. Attached here as part of the claim is a sketch of the cafeteria—the place of the incident. *See* sketch of Cafeteria, attached hereto as Exhibit “A.”

## COUNT ONE: ASSAULT AND BATTERY

11. Plaintiff incorporates herein the allegations made in paragraphs 1-10 of this Complaint.

12. This claim is for assault and battery committed by the CCA through its employee, Correctional Officer *Adam Butler*, for injuring the Plaintiff while acting within the scope of his employment and in the discharge of his duties on *January 3, 2008 at 8:15 p.m.*
13. The actions of *Correctional Officer Butler* were intentional and without justification.
14. As a result of the assault and battery, Plaintiff was hospitalized for three weeks and received seventeen stitches in his neck and head.
15. As a result of the assault and battery, Plaintiff suffered serious physical and mental pain and anguish.
16. Plaintiff's hearing and back have been permanently impaired as a result of the blows to his head and back by *Correctional Officer Butler*.
17. The particulars of Plaintiff's damages are as follows:
  - a. Medical expenses: Explain your past, current, and future medical expenses related to this incident. Use dollar amounts.
  - b. Lost earnings: Write what you did before being incarcerated, what you planned to work as when you got out, and how the injury affected your plans. End with a dollar amount.
  - c. Pain and suffering: Explain your pain and suffering and fill out dollar amount.
  - d. Mental anguish: Explain and fill out dollar amount.
  - e. Permanent disability: Explain and fill out dollar amount.
18. In the event that the contract between CCA and the District of Columbia requires payment of the District of Columbia, notice of intention to file this claim was filed with and received by the Mayor of the District of Columbia, via the Office of Risk Management, within sixty days of the injury. A copy of the notice is attached to this claim as Exhibit "B."
19. This claim is filed within one year after the claim accrued, as required by law. *See* D.C. Code § 12-301.

Change this section to describe YOUR injuries.

### **COUNT TWO: CRUEL AND UNUSUAL PUNISHMENT**

20. Plaintiff incorporates herein the allegations made in paragraphs 1-19 of this Complaint.
21. Defendants are all "persons" under 42 U.S.C. 1983.
22. Defendants acted under "color of law" in depriving Plaintiff of his right to be free from cruel and unusual punishment as guaranteed by the Eighth Amendment.
23. Defendant *Butler* was personally involved in violating Plaintiff's constitutional rights because he inflicted the injury.
24. Defendant CCA was personally involved in violating Plaintiff's constitutional rights because CCA did not have appropriate policies in place, nor provide appropriate training to the guards to prevent guards from giving

- conflicting orders to prisoners; using excessive force; or responding inappropriately to a fellow guard's use of excessive force.
25. Defendant District of Columbia was personally involved in the violation of Plaintiff's constitutional rights because the District did not exercise appropriate oversight over CCA's policies and training of guards.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment against defendants in the sum of ten thousand five hundred and eight-two dollars (*\$10,582*) and such other and further relief the Court deems justified.

Dated: June 15, 2008

Signature: *John B. Smith*

**PLAINTIFF DEMANDS TRIAL BY JURY ON HIS CLAIMS FOR DAMAGES**

**Appendix F: Forms for Filing a Complaint in D.C. Superior  
Court—*Civil Actions* Branch**

- F-1: Civil Actions Information Sheet
- F-2: Form Complaint
- F-3: Motion to Proceed *In Forma Pauperis*
- F-4: Affidavit in Support of Motion to Proceed *In Forma Pauperis*
- F-5: Summons
- F-6: Notice and Acknowledgement for Service by Mail
- F-7: Affidavit of Service by Process Server
- F-8: Form Motion





# Superior Court of the District of Columbia

CIVIL DIVISION - CIVIL ACTIONS BRANCH

## INFORMATION SHEET

\_\_\_\_\_

vs

\_\_\_\_\_

Case Number: \_\_\_\_\_

Date: \_\_\_\_\_

<i>Name: (please print)</i>	Relationship to Lawsuit Attorney for Plaintiff  Self (Pro Se) Other: _____
Firm Name:	
Telephone No.: _____ Six digit Unified Bar No.: _____	

TYPE OF CASE:      Non-Jury                                  6 Person Jury                                  12 Person Jury  
Demand:\$ \_\_\_\_\_                                  Other: \_\_\_\_\_

**PENDING CASE(S) RELATED TO THE ACTION BEING FILED**

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

<b>NATURE OF SUIT:</b> <i>(Check One Box Only)</i>		
<b>A. CONTRACTS</b>	<b>COLLECTION CASES</b>	
01 Breach of Contract 02 Breach of Warranty 06 Negotiable Instrument 15 _____	07 Personal Property 09 Real Property-Real Estate 12 Specific Performance	14 Under \$25,000 Pltf. Grants Consent 16 Under \$25,000 Consent Denied 17 OVER \$25,000
<b>B. PROPERTY TORTS</b>		
01 Automobile 02 Conversion 07 Shoplifting, D.C. Code § 27-102(a)	03 Destruction of Private Property 04 Property Damage	05 Trespass 06 Traffic Adjudication
<b>C. PERSONAL TORTS</b>		
01 Abuse of Process 02 Alienation of Affection 03 Assault and Battery 04 Automobile-Personal Injury 05 Deceit (Misrepresentation) 06 False Accusation 07 False Arrest 08 Fraud	09 Harassment 10 Invasion of Privacy 11 Libel and Slander 12 Malicious Interference 13 Malicious Prosecution 14 Malpractice Legal 15 Malpractice Medical <i>(Including wrongful death)</i> 16 Negligence-(Not Automobile, Not Malpractice)	17 Personal Injury – (Not Automobile, Not Malpractice) 18 Wrongful Death (Not malpractice) 19 Wrongful Eviction 20 Friendly Suit 21 Asbestos 22 Toxic/Mass Torts 23 Tobacco 24 Lead Paint

SEE REVERSE SIDE AND CHECK HERE      IF USED

## INFORMATION SHEET, Continued

<p><b>C. OTHERS</b></p> <p><b>I.</b></p> <ul style="list-style-type: none"> <li>01 Accounting</li> <li>02 Att. Before Judgment</li> <li>04 Condemnation (Emin. Domain)</li> <li>05 Ejectment</li> <li>07 Insurance/Subrogation Under \$25,000 Pltf. Grants Consent</li> <li>08 Quite Title</li> <li>09 Special Writ/Warrants DC Code § 11-941</li> </ul>	<ul style="list-style-type: none"> <li>10 T.R.O./Injunction</li> <li>11 Writ of Replevin</li> <li>12 Enforce Mechanics Lien</li> <li>16 Declaratory Judgment</li> <li>17 Merit Personnel Act (OEA) (D.C. Code Title 1, Chapter 6)</li> <li>18 Product Liability</li> <li>24 Application to Confirm, Modify, Vacate Arbitration Award (D.C. Code § 16-4315)</li> </ul>	<ul style="list-style-type: none"> <li>25 Liens: Tax/Water Consent Granted</li> <li>26 Insurance/Subrogation Under \$25,000 Consent Denied</li> <li>27 Insurance/Subrogation Over \$25,000</li> <li>28 Motion to Confirm Arbitration Award (Collection Cases Only)</li> <li>26 Merit Personnel Act (OHR)</li> <li>30 Liens: Tax/Water Consent Denied</li> </ul>
<p><b>II.</b></p> <ul style="list-style-type: none"> <li>03 Change of Name</li> <li>06 Foreign Judgment</li> <li>13 Correction of Birth Certificate</li> <li>14 Correction of Marriage Certificate</li> </ul>	<ul style="list-style-type: none"> <li>15 Libel of Information</li> <li>19 Enter Administrative Order as Judgment [D.C. Code § 2-1802.03(h) or 32-1519(a)]</li> <li>20 Master Meter (D.C. Code § 42-3301, et seq.)</li> </ul>	<ul style="list-style-type: none"> <li>21 Petition for Subpoena [Rule 28-I (b)]</li> <li>22 Release Mechanics Lien</li> <li>23 Rule 27 (a)(1) (Perpetuate Testimony)</li> </ul>

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

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

*Plaintiff*

CIVIL Action No.

*Defendants*

**COMPLAINT**

1. Jurisdiction of this court is founded on D.C. Code Annotated, 2001 edition, as amended, Sec. 11-921.

Wherefore, Plaintiff demands judgment against Defendant in the sum of \$  
with interest and costs.

Phone:

**DISTRICT OF COLUMBIA, SS**

being first duly sworn on oath deposes and says that the  
foregoing is a just and true statement of the amount owing by defendant to the plaintiff, exclusive of all  
set-offs and just grounds of defense.

\_\_\_\_\_  
(Plaintiff

\_\_\_\_\_  
Agent)

Subscribed and sworn to before me this

day of

\_\_\_\_\_  
(Notary Public/Deputy Clerk)



Superior Court of the District of Columbia  
CIVIL DIVISION

*Plaintiff(s)*  
vs. Case No.

*Defendant(s)*

MOTION TO PROCEED IN FORMA PAUPERIS

Comes now the \_\_\_\_\_ and respectfully request this  
honorable court to allow them to proceed without prepayment of costs for the following reason(s):

Printed name:

Signature: \_\_\_\_\_

Address:

Home phone no.

Business phone no.

CERTIFICATE OF SERVICE

I certify that a copy of the above was mailed, postage prepaid, on

To:

Name:

Name:

Address:

Address:

\_\_\_\_\_  
Signature

POINTS AND AUTHORITIES

(Write the reasons why the Court should grant your motion and include Court rules, laws and cases, if any, that support your reasons.)

\_\_\_\_\_  
Signature



**Superior Court of the District of Columbia**  
**CIVIL DIVISION**



*Plaintiff*

**vs.**

Civil Action No. \_\_\_\_\_

*Defendant*

**AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS**

I further swear that the responses which I have made to questions and instructions below relating to my ability to pay the cost of proceeding in this action are true.

1. Are you presently employed? Yes  No 
  - a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.
  
  - b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received
  
2. Have you received within the past twelve months any money from any of the following sources?
  - a. Business, profession or form of self-employment? Yes  No
  - b. Rent payments, interest or dividends? Yes  No
  - c. Pensions, annuities or life insurance payments? Yes  No
  - d. Gifts or inheritance? Yes  No
  - e. Any other sources? Yes  No

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in checking or savings account? Yes  
No (Include any funds in prison accounts). If the answer is yes, state the total value of the items owned.
  
4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No  
If the answer is yes describe the property and state its approximate value.
  
5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I have read and subscribed to the above and swear, under oath, that the information is true and correct. I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

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*(Plaintiff's signature)*

being first duly sworn under oath, presents that he has read and subscribed to the above and states that the information herein is true and correct.

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*(Plaintiff's signature)*

SUBSCRIBED AND SWORN TO before me this

day of \_\_\_\_\_

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*Notary Public or other person  
authorized to administer an oath*



**Superior Court of the District of Columbia  
CIVIL DIVISION**

500 Indiana Avenue, N.W., Room JM-170  
Washington, D.C. 20001 Telephone: 879-1133

*Plaintiff*

VS.

Civil Action No.

*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 (20) days after service of this summons upon your 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 60 days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party 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 Room JM 170 at 500 Indiana Avenue, N.W. between 9:00 am. and 4:00 pm., Mondays through Fridays or between 9:00 am. 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 five (5) 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.

*Clerk of the Court*

Name of Plaintiff's Attorney

By \_\_\_\_\_

Deputy Clerk

Address

\_\_\_\_\_

Date

Telephone

PUEDE OBTENERSE COPIAS DE ESTE FORMULARIO EN ESPANOL EN EL TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA, 500 INDIANA AVENUE, N.W., SALA JM 170

YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., 500 INDIANA AVENUE, N.W., ROOM JM 170

IMPORTANT: IF YOU FAIL TO SERVE AND 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 (628-1 161) or the Neighborhood Legal Services (682-2700) for help or come to Room JM 170 at 500 Indiana Avenue, N.W., for more information concerning where you may ask for such help.

**SCR CIV FORM 1-A**  
**Notice and Acknowledgment for Service by Mail**  
**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

V.

*Plaintiff*

Civil Action Number \_\_\_\_\_

*Defendant*

**NOTICE**

To: Name  
Address

The enclosed summons, complaint and initial order are served pursuant to Rule 4(c)(4) of the Superior Court Rules of Civil Procedure.

You must sign and date the Acknowledgement. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within twenty (20) days after it has been mailed, you (or the other party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons, complaint and initial order in any other manner permitted by law.

If you do complete and return this form, you (or the other party on whose behalf you are being served) must answer the complaint within twenty (20) days after you have signed, dated and returned the form. If you fail to do so, judgment by default may be taken against you or the relief demanded in the complaint.

This Notice and Acknowledgment of Receipt of Summons, Complaint and Initial Order was mailed on (insert date)

\_\_\_\_\_  
*Signature*

Date of Signature

**Acknowledgment of Receipt of Summons, Complaint and Initial Order**

I received a copy of the summons, complaint and initial order in the above captioned matter at

(address) |

\_\_\_\_\_  
**Signature**

**I**  
**Relationship to Defendant/Authority**  
*To Receive Service*

**Date of Signature** **I**



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**CIVIL DIVISION**

Plaintiff(s)                    )  
  )  
vs.                                    ) Civil Action No.  
  )  
  )  
Defendant(s)                    )

**AFFIDAVIT OF SERVICE BY PROCESS SERVER**

I, \_\_\_\_\_, having been duly authorized to make service of the Summons, Complaint and Initial Order in the above entitled case, hereby depose and say:

That my age and date of birth are as follows:

That my residential or business address is:

That at \_\_\_\_\_ o'clock am/pm on the \_\_\_\_\_ day of \_\_\_\_\_

( ) I served the above named defendant(s) (personally) \_\_\_\_\_ (defendant's name) a copy of the Summons, Complaint and Initial Order at \_\_\_\_\_

( ) I served the above named defendant (s) \_\_\_\_\_ (defendant's name) by leaving a copy of the Summons, Complaint and Initial Order at his/her place of abode or business at \_\_\_\_\_

with \_\_\_\_\_ a person of approximately \_\_\_\_\_ years of age, who stated that he/she resides therein with the defendant.

**If return receipt does not purport to be signed by the party named in the Summons, then state specific facts from which the Courts can determine that the person who signed the receipt meets the appropriate qualifications for receipt of process as required by SCR. Civ. 4 (e) (2).**

**SPECIFIC FACTS:**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Signature  
\_\_\_\_\_  
Deputy Clerk/Notary Public



**Superior Court of the District of Columbia  
CIVIL DIVISION**

*Plain*

vs
----

*Defendant*

No.

**MOTION - (Pro-Se)**

MOTION OF: I

(State briefly what you want the Court to do)

Printed name:

Signature: \_\_\_\_\_

Address:

Home phone no.

Business phone no.

**CERTIFICATE OF SERVICE**

On

the plaintiff(s) and the defendant(s) who do not have lawyers, as listed below:

I mailed this motion to all the lawyers in the case,

Name:

Name:

Address:

Address:

\_\_\_\_\_  
Signature

**POINTS AND AUTHORITIES**

(Write the reasons why the Court should grant your motion and include Court rules, laws and cases, if any, that support your reasons.)

\_\_\_\_\_  
Signature





**Appendix G: Forms for Filing a Complaint in D.C. Superior Court—*Small Claims* Branch**

- G-1: Small Claims Information Sheet
- G-2: Form Complaint
- G-3: Motion to Proceed *In Forma Pauperis*
- G-4: Affidavit in Support of Motion to Proceed *In Forma Pauperis*
- G-5: Summons
- G-6: Affidavit of Service by Process Server
- G-7: Form Motion





**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION  
SMALL CLAIMS AND CONCILIATION BRANCH  
INFORMATION SHEET**

\_\_\_\_\_  
Plaintiff

vs

\_\_\_\_\_  
Defendant

Case No: \_\_\_\_\_

Date: \_\_\_\_\_

Name: <i>(please print)</i> _____		Relationship to Lawsuit
Firm Name, if applicable _____		<input type="checkbox"/> Attorney for Plaintiff
Telephone No: _____		<input type="checkbox"/> Self (Pro Se)
6 Digit Unified Bar No. _____		<input type="checkbox"/> Other: _____
Do you need an interpreter for your case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what type: _____		
AMOUNT IN CONTROVERSY: <input type="checkbox"/> \$1 -\$500 <input type="checkbox"/> \$500.01 - \$2,500 <input type="checkbox"/> \$2,500.01 - \$5,000		
PENDING CASE(S) RELATED TO THE ACTION BEING FILED:		
Case No: _____	Case No: _____	
NATURE OF SUIT: <i>(Check One Box Only)</i>		
<b>A. CONTRACTS – a claim based on an agreement between parties made either orally or in writing</b>		
<input type="checkbox"/> Debt Suit	<input type="checkbox"/> Breach of Warranty	<input type="checkbox"/> Negotiable Instrument
<input type="checkbox"/> Personal Property	<input type="checkbox"/> Loan	<input type="checkbox"/> Rent Due
<input type="checkbox"/> Unpaid Wages	<input type="checkbox"/> Services Rendered	<input type="checkbox"/> Security Deposit
<input type="checkbox"/> Breach of Contract	<input type="checkbox"/> Home Improvement Contract	<input type="checkbox"/> Oral
<b>B. PROPERTY TORTS – a claim for an injury or wrong committed on the property of another</b>		
<input type="checkbox"/> Automobile	<input type="checkbox"/> Conversion	<input type="checkbox"/> Shop Lifting
<input type="checkbox"/> Property Damage	<input type="checkbox"/> Destruction of Property	<input type="checkbox"/> Trespass
<b>C. PERSONAL TORT – a claim for an injury or wrong committed on the person of another</b>		
<input type="checkbox"/> Assault and Battery	<input type="checkbox"/> False Witness	<input type="checkbox"/> Libel and Slander
<input type="checkbox"/> Automobile	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Negligence
<input type="checkbox"/> Harassment	<input type="checkbox"/> Fraudulent Misrepresentation	<input type="checkbox"/> Slip and Fall
D. <input type="checkbox"/> UNIFORM ARBITRATION ACT – an action based on an arbitration agreement	G. <input type="checkbox"/> SUBROGATION – a claim filed by one person in the place of another	
E. <input type="checkbox"/> FOREIGN JUDGMENT- a judgment, decree or order filed from another jurisdiction	H. <input type="checkbox"/> COLLECTION- a claim filed by a seller or lender to collect a consumer debt	
F. <input type="checkbox"/> MEDICAL MALPRACTICE – a claim against a healthcare provider for professional misconduct		
Have you given notice of intention to file your lawsuit 90 days prior to filing? <input type="checkbox"/> Yes <input type="checkbox"/> No		



# Superior Court of the District of Columbia

## CIVIL DIVISION

Small Claims Form 11  
General

SMALL CLAIMS AND CONCILIATION BRANCH  
Bldg. B, 510 4th Street, N.W., RM -120  
WASHINGTON, D.C. 20001 TELEPHONE 879-1120

\_\_\_\_\_  
*Plaintiff(s)*

(1) \_\_\_\_\_  
*Defendant(s)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Zip Code*

vs. (2) \_\_\_\_\_

(3) \_\_\_\_\_

Phone No. \_\_\_\_\_ No. SC \_\_\_\_\_

### STATEMENT OF CLAIM

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISTRICT OF COLUMBIA, ss: \_\_\_\_\_ being first duly sworn on oath says the foregoing is a just and true statement of the amount owing by the defendant to plaintiff, exclusive of all set-offs and just grounds of defense.

\_\_\_\_\_  
*Plaintiff/Agent (Sign and Print Name)*

\_\_\_\_\_  
*Address*

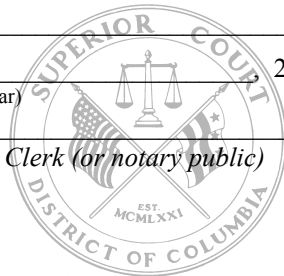
\_\_\_\_\_  
*Title:*

\_\_\_\_\_  
*City/State/Zip Code*

\_\_\_\_\_  
*Phone No.:*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
(month and year)

\_\_\_\_\_  
*Deputy Clerk (or notary public)*



\_\_\_\_\_  
*Attorney for Plaintiff (Sign and Print Name)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Zip Code*

\_\_\_\_\_  
*Bar No.:*

\_\_\_\_\_  
*Phone No.:*

### NOTICE (All parties must notify the court of any address changes.)

To: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
*Defendant* *Defendant*

\_\_\_\_\_  
*Address*  *Home*  *Business* *Zip Code*

\_\_\_\_\_  
*Address*  *Home*  *Business* *Zip Code*

You are hereby notified that \_\_\_\_\_  
\_\_\_\_\_ has made a claim and is requesting judgment  
against you in the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_),  
as shown by the foregoing statement. The court will hold a hearing upon this claim on \_\_\_\_\_

at 9:00 a.m. in the Small Claims and Conciliation Courtroom 119, Bldg. B, 510 4th Street, N.W.,

SEE REVERSE SIDE FOR COMPLETE INSTRUCTIONS. BRING THIS NOTICE WITH YOU AT ALL TIMES

## INSTRUCTIONS TO DEFENDANT(S)

**IMPORTANT: IF YOU FAIL TO APPEAR AT THE TIME STATED OR AT ANY OTHER 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 STATEMENT OF CLAIM. IF THIS OCCURS, YOUR WAGES OR BANK ACCOUNT MAY BE ATTACHED OR WITHHELD OR ANY PERSONAL PROPERTY OWNED BY YOU MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. DO NOT FAIL TO APPEAR AT THE REQUIRED TIME.**

Before any case goes to trial in the Small Claims and Conciliation Branch, a trained mediator will meet with all parties to see if a settlement can be worked out. If all parties are present when your case is called, you and the plaintiff will be able to see a mediator and hopefully settle your dispute without having to go to trial.

You may come with or without a lawyer. The Statement of Claim indicates whether the plaintiff has a lawyer. If the plaintiff does have a lawyer and you wish to dispute the claim, it would be in your interest to have your own lawyer.

If you wish to have legal advice and feel that you cannot afford to pay a fee to a lawyer, you may contact the Neighborhood Legal Services (682-2700) OR THE D.C. Law Students in Court program (638-4798) or Legal Counsel for the Elderly @ (202) 434-2170 for help or come to Building B, 510 4th Street N.W., Room 120, for more information concerning places where you may ask for such help. You may also consult the D.C. Bar Website at: [www.lawhelp.org/dc](http://www.lawhelp.org/dc).  
**Act Promptly.**

If it is impossible for you to appear on the date of trial, attempt to contact the Plaintiff to arrange a new date. If parties agree on a date, notify the clerk of the Small Claims Branch of this court in person or by phone of the new date. If parties cannot agree, you may contact the clerk who will inform you regarding procedures. If you do not appear on the new date, a judgment may be entered against you.

Whenever corresponding with the Small Claims clerk's office by mail, please include your case number and your date to appear in court.

You are given the following additional instructions in the event that you intend to appear without a lawyer.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of the hearing.

If you wish to have witnesses summoned, see the clerk at once for assistance.

If you admit the claim but desire additional time to pay, you must come to the hearing in person and state the circumstances to the Court.

PUEDE OBTENERSE COPIAS DE ESTE FORMULARIO EN ESPAÑOL EN EL TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA, BUILDING B, 510 4TH STREET N.W., SALA 120.

YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., BUILDING B, 510 4TH STREET N.W., ROOM 120.

Superior Court of the District of Columbia  
CIVIL DIVISION

*Plaintiff(s)*  
vs. Case No.

*Defendant(s)*

MOTION TO PROCEED IN FORMA PAUPERIS

Comes now the \_\_\_\_\_ and respectfully request this  
honorable court to allow them to proceed without prepayment of costs for the following reason(s):

Printed name:

Signature: \_\_\_\_\_

Address:

Home phone no.

Business phone no.

CERTIFICATE OF SERVICE

I certify that a copy of the above was mailed, postage prepaid, on

To:

Name:

Name:

Address:

Address:

\_\_\_\_\_  
Signature

POINTS AND AUTHORITIES

(Write the reasons why the Court should grant your motion and include Court rules, laws and cases, if any, that support your reasons.)

\_\_\_\_\_  
Signature





**Superior Court of the District of Columbia**  
**CIVIL DIVISION**



*Plaintiff*

**vs.**

Civil Action No. \_\_\_\_\_

*Defendant*

**AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS**

I further swear that the responses which I have made to questions and instructions below relating to my ability to pay the cost of proceeding in this action are true.

1. Are you presently employed? Yes  No 
  - a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.
  
  - b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received
  
2. Have you received within the past twelve months any money from any of the following sources?
  - a. Business, profession or form of self-employment? Yes  No
  - b. Rent payments, interest or dividends? Yes  No
  - c. Pensions, annuities or life insurance payments? Yes  No
  - d. Gifts or inheritance? Yes  No
  - e. Any other sources? Yes  No

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in checking or savings account? Yes  
No (Include any funds in prison accounts). If the answer is yes, state the total value  
of the items owned.
  
4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property  
(excluding ordinary household furnishings and clothing)? Yes No  
If the answer is yes describe the property and state its approximate value.
  
5. List the persons who are dependent upon you for support, state your relationship to those  
persons, and indicate how much you contribute toward their support.

I have read and subscribed to the above and swear, under oath, that the information is true  
and correct. I understand that a false statement or answer to any question in this affidavit  
will subject me to penalties for perjury.

---

*(Plaintiff's signature)*

being first duly sworn under oath, presents that he  
has read and subscribed to the above and states that the information herein is true and correct.

---

*(Plaintiff's signature)*

SUBSCRIBED AND SWORN TO before me this

day of \_\_\_\_\_

---

*Notary Public or other person  
authorized to administer an oath*

**Superior Court of the District of Columbia  
CIVIL DIVISION**

500 Indiana Avenue, N.W., Room JM-170  
Washington, D.C. 20001 Telephone: 879-1133

*Plaintiff*

VS.

Civil Action No.

*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 (20) days after service of this summons upon your 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 60 days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party 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 Room JM 170 at 500 Indiana Avenue, N.W. between 9:00 am. and 4:00 pm., Mondays through Fridays or between 9:00 am. 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 five (5) 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.

*Clerk of the Court*

Name of Plaintiff's Attorney

By \_\_\_\_\_

Deputy Clerk

Address

\_\_\_\_\_

Date

Telephone

PUEDE OBTENERSE COPIAS DE ESTE FORMULARIO EN ESPANOL EN EL TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA, 500 INDIANA AVENUE, N.W., SALA JM 170

YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., 500 INDIANA AVENUE, N.W., ROOM JM 170

IMPORTANT: IF YOU FAIL TO SERVE AND 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 (628-1 161) or the Neighborhood Legal Services (682-2700) for help or come to Room JM 170 at 500 Indiana Avenue, N.W., for more information concerning where you may ask for such help.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**CIVIL DIVISION**

Plaintiff(s)                    )  
  )  
vs.                                    ) Civil Action No.  
  )  
  )  
Defendant(s)                    )

**AFFIDAVIT OF SERVICE BY PROCESS SERVER**

I, \_\_\_\_\_, having been duly authorized to make service of the Summons, Complaint and Initial Order in the above entitled case, hereby depose and say:

That my age and date of birth are as follows:

That my residential or business address is:

That at \_\_\_\_\_ o'clock am/pm on the \_\_\_\_\_ day of \_\_\_\_\_

( ) I served the above named defendant(s) (personally) \_\_\_\_\_ (defendant's name) a copy of the Summons, Complaint and Initial Order at \_\_\_\_\_

( ) I served the above named defendant (s) \_\_\_\_\_ (defendant's name) by leaving a copy of the Summons, Complaint and Initial Order at his/her place of abode or business at \_\_\_\_\_

with \_\_\_\_\_ a person of approximately \_\_\_\_\_ years of age, who stated that he/she resides therein with the defendant.

**If return receipt does not purport to be signed by the party named in the Summons, then state specific facts from which the Courts can determine that the person who signed the receipt meets the appropriate qualifications for receipt of process as required by SCR. Civ. 4 (e) (2).**

**SPECIFIC FACTS:**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Deputy Clerk/Notary Public



**Superior Court of the District of Columbia**

**CIVIL DIVISION**

**SMALL CLAIMS AND CONCILIATION BRANCH**

**Bldg. B, 510 4<sup>th</sup> Street, N.W., Room 120**

**Washington, D.C. 20001 Telephone (202) 879-1120**

\_\_\_\_\_, Plaintiff

vs.

SC No.: \_\_\_\_\_

\_\_\_\_\_, Defendant

**MOTION OF:** \_\_\_\_\_ **TO** \_\_\_\_\_

**(State briefly what you want the Court to do)** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>Print Name</b>	<b>Signature</b>	
<b>Address</b>	<b>Home Phone No.</b>	<b>Business Phone</b>

**To the best of my knowledge the above statements are true.**

**Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_**

\_\_\_\_\_  
**Deputy Clerk/Notary Public**

**THIS MOTION HAS BEEN SET FOR HEARING IN THE SMALL CLAIMS AND CONCILIATION COURTROOM ON \_\_\_\_\_ AT \_\_\_\_\_ .M.**

**A COPY OF THE ABOVE MOTION WAS MAILED FROM THE CLERK'S OFFICE TO:**

**YOU HAVE 10 DAYS TO RESPOND TO THIS MOTION. IT WILL BE NECESSARY FOR YOU TO APPEAR ON THE ABOVE DATE.**





## Appendix H: List of Process Servers

***Note:** The D.C. Prisoners' Project does not have any information regarding the quality of these process servers. The D.C. Prisoners' Project is not recommending these process servers.*

Adante' Associates  
2560 Harlem Avenue  
Baltimore, Maryland 21216  
(410) 566-3020

B T Edwards Process Service, LLC  
6501 Gold Yarrow Lane  
Upper Marlboro, Maryland 20772-4022  
(800) 737-8348

Constable Services  
P.O. Box 3673  
Laurel, Maryland 20709  
(888) 364-7774

Monumental Process Servers, Inc.  
221 West Joppa Road  
Towson, Maryland 21204  
(800) 547-3783

Same Day Process Service  
1322 Maryland Avenue N.E.  
Washington, D.C. 20002  
(202) 398-4200

United States Process Serving Corp.  
1322 Maryland Avenue N.E.  
Washington D.C. 20002  
(202) 398-4200

## Appendix I: Resources

***Note:** The D.C. Prisoners' Project does not have any information regarding the quality of these organizations or publications. The D.C. Prisoners' Project is not recommending these organizations or publications.*

### **Organizations**

**The Public Defender Service for the District of Columbia** has several divisions that may be able to help you. The Community Defender Division houses the Institutional Services Program (ISP) and the Community Re-entry Program (CRP). The ISP protects the legal rights of prisoners and the CRP responds to the legal and social needs of those returning home from prison. You can reach the Community Defender Program at 680 Rhode Island Avenue, NE, Suite H-5, Washington, D.C. 20002. The telephone number is (202) 824-2801.

The Special Litigation Division of the Public Defender Service addresses systematic criminal justice issues, including trial practices. The main Trial Division represents people in criminal trials. The Parole Division represents people in revocation of parole hearings. You can reach these divisions by writing 633 Indiana Ave., N.W., Washington, D.C. 20004. The phone number is (202) 628-1200.

**University of the District of Columbia School of Law HIV/AIDS Legal Clinic**,  
4200 Connecticut Avenue, N.W., Bldg. #38, 2<sup>nd</sup> Fl. Washington, D.C. 20008  
<http://www.law.udc.edu/programs/index.html>: 202-274-7312

Law students in the HIV/AIDS Clinic handle family law and public entitlement issues for HIV/AIDS patients and their families.

**University Legal Services Protection and Advocacy Program**  
<http://www.uls-dc.org/>: 202-547-0198

University Legal Services Protection and Advocacy Program provides legal representation to District residents with disabilities

### **Publications**

**Jailhouse Lawyer's Manual**  
Columbia Human Rights Law Review  
425 West 116<sup>th</sup> Street  
New York, NY 10027  
Attn: JLM Order

Manual written for prisoners *in New York*. The Seventh Edition main volume is \$25 for prisoners. The *Immigration & Consular Access Supplement* is \$5. The *JLM* Spanish language edition (SJLM) is \$15. First class shipping is included in the price. Prices may change. Send a check or money order payable to Columbia Human Rights Law Review. The manual is also available for free on-line: <http://hrlr.razummedia.com/ejlm.php>.

**Lewisburg Prison Project**

Box 128  
Lewisburg, PA 17837

Free brochure about *federal* prisoners' rights; include self-addressed stamped envelope.

**National Prison Project Journal**

National Prison Project of the ACLU  
733 15<sup>th</sup> Street N.W.  
Suite 620  
Washington, D.C. 20006

Prisoners' rights news and court cases; \$2 for prisoners.

**Protecting Your Health and Safety: A Litigation Guide for Inmates**

Prison Legal News  
2400 N.W. 80th Street #148  
Seattle, WA 98117

Explains rights related to health and safety (does not cover criminal matters); \$10

You can also subscribe to Prison Legal news for \$18 per year. Write to the same address.

**Self-Help Litigation Manual**

Oceana Press  
75 Main Street  
Dobbs Ferry, NY 10522

Information on legal research and how to litigate; \$30

**D.C. PRISONERS' PROJECT**  
**WASHINGTON LAWYERS COMMITTEE FOR CIVIL RIGHTS**  
**AND URBAN AFFAIRS**  
11 Dupont Circle, N.W.  
Suite 400  
Washington, D.C. 20036

**PRISONER HELP LINE**  
(We accept collect calls)  
(202) 775-0323

Please write us with suggestions for the next edition of this handbook or other handbooks you would like to see.