Filed
D.C. Superior Court
06/15/2017 15:36PM
Clerk of the Court

Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133

Kalorama Citizens Association et al.
Plaintiff

vs.

1800 Columbia Potomac Investment Properties, LLC et al.
SERVE: LPRA INC.
Defendant

Case Number 2017 CA 004182 B

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 you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the 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 Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within 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.

Paul Zukerberg
Name of Plaintiff's Attorney

1790 Lanier Place NW
Address
Washington, D.C. 20009-2118

(202) 232-6400
Telephone

Clerk of the Court

By _____
Deputy Clerk

Date 06/16/2017

如需翻译,请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bài dịch, hãy gọi (202) 879-4828
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See reverse side for Spanish translation
Vea al dorso la traducción al español

TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

_____
Demandante

contra

Número de Caso: _____

_____
Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le require entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le require presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que Usted le entregue al demandante una copia de la Contestación o en el plazo de cinco (5) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

SECRETARIO DEL TRIBUNAL

_____
Nombre del abogado del Demandante

Por: _____
Subsecretario

_____
Dirección

_____

Fecha _____

_____
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CIVIL DIVISION
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Kalorama Citizens Association et al.
Plaintiff

vs.

1800 Columbia Road, LLC et al.
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Address
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Clerk of the Court

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Deputy Clerk

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Demandante

contra

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SECRETARIO DEL TRIBUNAL

_____
Nombre del abogado del Demandante

Por: _____
Subsecretario

_____
Dirección

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Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

Kalorama Citizen Ass., et.al Case Number: 2017 CA 004182 B

vs Date: JUNE 15, 2017

SunTrust Bank Company, et.al ☐ One of the defendants is being sued in their official capacity.

Name: *(Please Print)* Paul Zukerberg, Esq.	Relationship to Lawsuit
Firm Name: Zukerberg & Halperin, PLLC	☒ Attorney for Plaintiff
Telephone No.: 232-6400 Six digit Unified Bar No.: 388152	☐ Self (Pro Se)
	☐ Other: _____

TYPE OF CASE: ☐ Non-Jury ☐ 6 Person Jury ☒ 12 Person Jury

Demand: $_____ Other: Declaratory & Injunctive

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

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

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

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

A. CONTRACTS

☐ 01 Breach of Contract
☐ 02 Breach of Warranty
☐ 06 Negotiable Instrument
☐ 07 Personal Property
☐ 13 Employment Discrimination
☐ 15 Special Education Fees

COLLECTION CASES

☐ 14 Under $25,000 Pltf. Grants Consent
☐ 17 OVER $25,000 Pltf. Grants Consent
☐ 27 Insurance/Subrogation Over $25,000 Pltf. Grants Consent
☐ 07 Insurance/Subrogation Under $25,000 Pltf. Grants Consent
☐ 28 Motion to Confirm Arbitration Award (Collection Cases Only)
☐ 16 Under $25,000 Consent Denied
☐ 18 OVER $25,000 Consent Denied
☐ 26 Insurance/Subrogation Over $25,000 Consent Denied
☐ 34 Insurance/Subrogation Under $25,000 Consent Denied

B. PROPERTY TORTS

☐ 01 Automobile
☐ 02 Conversion
☐ 07 Shoplifting, D.C. Code § 27-102 (a)
☐ 03 Destruction of Private Property
☐ 04 Property Damage
☐ 05 Trespass

C. PERSONAL TORTS

☐ 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
☐ 10 Invasion of Privacy
☐ 11 Libel and Slander
☐ 12 Malicious Interference
☐ 13 Malicious Prosecution
☐ 14 Malpractice Legal
☐ 15 Malpractice Medical (Including Wrongful Death)
☐ 16 Negligence- (Not Automobile, Not Malpractice)
☐ 17 Personal Injury- (Not Automobile, Not Malpractice)
☐ 18Wrongful 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

CV-496/June 2015

Information Sheet, Continued

C. OTHERS

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

II.

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

D. REAL PROPERTY

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

/S/ PAUL ZUKERBERG
Attorney's Signature

JUNE 15, 2017
Date

Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133

Kalorama Citizens Association et al.
Plaintiff

vs.

Crestar Financial Corporation et al.
d/b/a Suntrust Bank
SERVE: Prentice-Hall Corporation Systems
Defendant

Case Number 2017 CA 004182 B

SUMMONS

To the above named Defendant:

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Clerk of the Court

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IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

KALORAMA CITIZENS ASSOCIATION
PO Box 21311
Washington, DC 20009

and

ADAMS MORGAN FOR
REASONABLE DEVELOPMENT
2032 Belmont Road NW
Suite 312
Washington DC 20009

Plaintiffs,

vs.

SUNTRUST BANK COMPANY
d/b/a SUNTRUST BANK
a/k/a SUNTRUST BANKS, INC.
303 Peachtree Street, NE
Atlanta, GA 20208

Serve: Corporation Service Company
Registered Agent for the
Service of Process
1090 Vermont Avenue, NW
Washington, DC 20005

POTOMAC INVESTMENT
PROPERTIES, INC.
1666 K Street, NW
Suite 430
Washington, DC 20006

Serve: Michael K. Gewirz
Registered Agent for the
Service of Process
1666 K Street, NW
Suite 430
Washington, DC 20009

Civil Action No. 2017 CA 004182 B

Jury Trial Demanded

1800 COLUMBIA POTOMAC :
INVESTMENT PROPERTIES, LLC :
1666 K Street, NW, Suite 430 :
Washington, DC 20006 :
:
Serve: LPRA Inc. :
Registered Agent for the :
Service of Process :
4725 Wisconsin Avenue, NW :
Suite 250 :
Washington, DC 20016 :
:
1800 COLUMBIA ROAD, LLC :
680 Water Street, SW :
Washington, DC 20024 :
:
Serve: LPRA Inc. :
Registered Agent for the :
Service of Process :
4725 Wisconsin Avenue, NW :
Suite 250 :
Washington, DC 20016 :
:
CRESTAR FINANCIAL CORPORATION :
d/b/a SUNTRUST BANK :
303 Peachtree Street, NE :
Atlanta, GA 20208 :
:
Serve: Prentice-Hall Corporation Systems :
Registered Agent for the :
Service of Process :
1090 Vermont Avenue, NW :
Washington, DC 20005 :
:
P.N. HOFFMAN & ASSOCIATES, INC. :
680 Water Street, SW :
Washington, DC 20024 :
:
Serve: CT Corporation Systems :
Registered Agent for the :
Service of Process :
1015 15th Street, NW, Suite 1000 :
Washington, DC 20005 :
:
Defendants. :
==========

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Introduction

1. For almost 40 years, a public plaza ("Plaza") has stood at the southwest corner of the intersection of 18th Street and Columbia Road, Northwest, in the District of Columbia, serving as the town square for Adams Morgan. The former owner of the Plaza, the Perpetual Federal Savings & Loan Association ("Perpetual"), established an easement by dedication in favor of the public for the Plaza in the late 1970s. This is an action for declaratory and injunctive relief to prevent private interests from constructing a new building in the space now occupied by the Plaza that would destroy the public easement.

Parties

2. Plaintiff Kalorama Citizens Association ("KCA") is an all-volunteer organization founded in 1919 to address issues of importance to residents of the Adams Morgan neighborhood, which range from maintaining attractive and safe streets and parks to representing the community on broader issues like zoning, land use planning, economic development, public education, and historic preservation. In recent years, KCA has represented neighborhood interests before the District Council and District boards and commissions, supported educational and youth programs, prepared and sponsored the neighborhood's historic district designation applications, and sponsored a public garden project in Adams Morgan. KCA is a not-for-profit section 501(c)(3) citizens association created for civic purposes. KCA's boundaries encompass in their entirety two of the four historic districts that are either totally or partially within Adams Morgan. Those two KCA historic districts are the Kalorama Triangle Historic District and the Washington Heights Historic District. The Plaza is located in the Washington Heights Historic District and is directly across the street from the Kalorama Triangle Historic District.

3. On October 22, 2016, KCA unanimously approved a resolution authorizing a lawsuit to preserve the easement in favor of the public for the Plaza.

4. Plaintiff Adams Morgan for Reasonable Development ("AdMo4RD") is a non-profit citizens association organized pursuant to the District of Columbia's Uniform Unincorporated Non-Profit Association Act of 2010. AdMo4RD's purposes include protecting and preserving the personal and property interests of residents and families, including those living, working, and playing in the historic and unique Adams Morgan neighborhood. In recent years, AdMo4RD has organized hundreds of Adams Morgan residents, representing them on development issues and advancing the interests of Adams Morgan residents in land use issues. On June 5, 2017, AdMo4RD's membership authorized the association to undertake this action.

5. Adams Morgan is a District of Columbia neighborhood that centers on the Plaza at the intersection of 18th Street and Columbia Road, Northwest, and includes four pre-existing neighborhoods – Washington Heights, Lanier Heights, Kalorama Triangle, and Reed-Cooke. The neighborhood's name comes from the "Adams Morgan Better Neighborhood Conference," which was formed in 1956 to facilitate the integration of two formerly segregated elementary schools, the all-black Thomas P. Morgan School and the all-white John Quincy Adams School. Their integration following the landmark 1954 ruling of the U.S. Supreme Court in the *Bolling v. Sharpe* case governing the desegregation of District of Columbia schools became a model of successful school integration and a source of lasting pride for Adams Morgan residents.

6. The Plaza has been open continuously for public use 24 hours a day, 365 days a year for about 38 years. There are no fences, gates, or lines of demarcation separating the Plaza from the public roads and sidewalks, and no signs limiting the public's use of the Plaza space. The Plaza design features a 2,500-square foot ground level open area, with a 1,500-square foot

elevated performers' platform above it, with stage-style staircases at both ends. Throughout the years, the Plaza has hosted hundreds of civil, cultural, athletic, spiritual, and musical events, as well as political and social activities, and is the heart of the Adams Morgan neighborhood.

7. The Plaza is home to the Adams Morgan farmers market ("Farmers Market"), an award-winning neighborhood institution, providing nutritional, educational, social, and civic benefits to the Adams Morgan neighborhood for almost four decades. The Farmers Market is the designated provider for the neighborhood of the District's Farmers Market Nutrition Program Act (FMNP) and the Senior Farmers Market Nutrition Program (SFMNP), which provide free fresh fruits and vegetables to low-income children (one-to-five years of age), senior citizens, and pregnant, breastfeeding, and post-partum women. The Farmers Market provides healthy eating education to children in a variety of ways, including festivals, farm tours, cider making, bread baking, and healthful cooking demonstrations.

8. Defendant SunTrust Bank Company, a/k/a SunTrust Banks, Inc., d/b/a SunTrust ("SunTrust") is, upon information and belief, a Georgia corporation, and one of the world's largest banking institutions, with over $205 billion in assets and many bank branches in the District of Columbia. Upon information and belief, SunTrust has owned the Plaza since its 2000 acquisition of Crestar Bank and all its assets.

9. Defendant Crestar Financial Corporation ("Crestar") is, upon information and belief, a Virginia corporation whose authorization to operate in the District of Columbia has been revoked by the District of Columbia Department of Consumer and Regulatory Affairs. Upon information and belief, Crestar holds the deed to the Plaza, which upon information it acquired via quitclaim deed from the Resolution Trust Corporation ("RTC") in 1992.

10. Many of the assets of Perpetual Savings (a successor to Perpetual), including the Plaza and the bank branch at 1800 Columbia Road, were transferred by the RTC to Crestar in 1992 following the insolvency of Perpetual and the liquidation of its assets by the RTC during the savings and loan crisis of the late 1980s. Upon information and belief, defendant SunTrust acquired defendant Crestar, and, with it, the Plaza and its associated easement in favor of the public in 2000.

11. Upon information and belief, defendant Potomac Investment Properties, Inc. ("Potomac Investment Properties") is a District of Columbia corporation which holds, directly or indirectly, an actual or contingent ownership interest in the Plaza (and the larger parcel containing the Plaza), and is one of the developers of the Plaza and the larger parcel.

12. Upon information and belief, defendant P.N. Hoffman & Associates, Inc. ("P.N. Hoffman") is a District of Columbia corporation which holds, directly or indirectly, an actual or contingent ownership interest in the Plaza (and the larger parcel containing the Plaza), and is one of the developers of the Plaza and the larger parcel.

13. Upon information and belief, defendant 1800 Columbia Potomac Investment Properties, LLC ("1800 Columbia Potomac Investment Properties") is a District of Columbia limited liability company that was formed in February 2017 by defendants Potomac Investment Properties and P.N. Hoffman and that holds, directly or indirectly, an actual or contingent interest in the Plaza (and the larger parcel containing the Plaza).

14. Upon information and belief, defendant 1800 Columbia Road, LLC ("1800 Columbia Road, LLC") is a District of Columbia limited liability company formed in December 2015 whose charter is now revoked, but which nonetheless holds, directly or indirectly, an actual or contingent interest in the Plaza (and the larger parcel containing the Plaza).

Statement of Facts

15. This action seeks to preserve the Plaza on the parcel located at the southwest corner of 18th Street and Columbia Road, Northwest, in Adams Morgan, further identified as square 2551, lot 0078, in the land title records of the District of Columbia, for continued public use.

16. The parcel originally housed the ill-fated Knickerbocker Theater, the roof of which collapsed during a severe snow storm in 1922, killing 98 people, mostly Adams Morgan residents.

17. The Knickerbocker was replaced by the Ambassador Theater, which hosted concerts by Jimi Hendrix and other music stars of the 1960s. After the Ambassador was demolished in 1969, farmers and neighborhood vendors began to use the space as a public marketplace, providing access to essential food and other goods to the Adams Morgan community.

18. In the early 1970s, the former owners of the parcel proposed developing it into a BP gas station, but that plan was rejected by the District of Columbia's Board of Zoning Adjustment amid fierce community opposition.

19. In 1976, the owners of the 1800 Columbia Road parcel floated a new plan to sell the property to Perpetual, which again met strong community opposition.

20. In the 1970s, Perpetual, like other banks in the District of Columbia, refused to write mortgages for homeowners in Adams Morgan, under the then prevailing practice known as "redlining." In redlined neighborhoods, such as Adams Morgan, creditworthy homeowners could not obtain mortgages because of the racial and ethnic composition of their neighborhoods. To

make matters worse, banks in the early 1970s provided financing to outside developers, who were buying up Adams Morgan townhouses for a song.

21. Leading Adams Morgan civic associations, including the Adams Morgan Organization ("AMO") and the Adams Morgan Advisory Neighborhood Commission ("ANC"), opposed allowing Perpetual to open a branch at 18th and Columbia Road, unless it agreed to end redlining and preserve a portion of the Columbia Road property for continued public use.

22. Community organizations, including AMO and the ANC, decided to take their fight to preserve a portion of the property's space for public use and end redlining to the Federal Home Loan Bank Board ("FHLBB"), the governing authority for federally chartered savings and loan institutions. Adams Morgan community groups filed a formal protest in 1976 against Perpetual's application for an Adams Morgan branch with the FHLBB. Representatives of the ANC and AMO flew to Atlanta and testified in November of 1976 before the FLHBB against Perpetual's application for the proposed Adams Morgan branch.

23. On November 2, 1976, Thomas J. Owen, the president of Perpetual, affirmed Perpetual's proposed dedication of a portion of the parcel for public use in a letter, copies of which were sent to the entire Adams Morgan community. Owen wrote that

> Perpetual…agrees to develop the [Plaza] property in such a way as to preserve its open quality, attractiveness and accessibility to the vendors that presently use it..[and build] a branch housed in a modest three story building placed as far back as possible in order to allow ample room for vendors and other open-air activities.[1]

24. Following negotiations between the community organizations and Perpetual, Perpetual agreed to a set of detailed policies designed to end redlining and dedicate the Plaza for public use.

---

[1] November 2, 1976, letter from Thomas H. Owen to members of the Adams Morgan community.

25. In exchange for the creation of the Plaza and the ending of redlining, the community groups withdrew their protest before the FHLBB, resulting in the FHLBB's approval on August 18, 1977, of Perpetual's application to locate a bank branch at the intersection of Columbia Road and 18th Street, and welcomed Perpetual into their community.

26. Perpetual commissioned the modernist Washington architect Seymour Auerbach to design the Adams Morgan branch in accordance with the terms of its agreement to preserve space for public use and establish the Plaza.

27. Perpetual's Adams Morgan bank branch and the Plaza were built in accordance with Auerbach's plans in 1978, were opened in 1979, and exist in essentially the same form today. The design for the site features a 2,500-square foot open Plaza, with a 1,500-square foot elevated performers' platform above it. The bank branch is housed, as Perpetual promised, in a modest three-story building placed toward the rear of the parcel.

28. In keeping with Perpetual's dedication, the Plaza has been open continuously for public use 24 hours a day, 365 days a year for about 38 years since completion of the plaza in early 1979. There are no fences, gates, or lines of demarcation separating the Plaza from the public roads and sidewalks and no signs limiting the public's use of the Plaza space.

29. The Farmers Market, political, social, cultural, and other public uses of the Plaza have continued uninterrupted since Perpetual dedicated the Plaza to public use and completed its construction. Hundreds of civic cultural, musical, and community events have been held on the Plaza, and it is continually in use as a public square and meeting place.

30. In about 2015, upon information and belief, defendants Potomac Investment Properties and P.N. Hoffman reached an agreement with defendant SunTrust to develop the

Plaza and the rest of the 1800 Columbia Road parcel as a privately-owned, luxury condominium building ("P.N. Hoffman Plan").

31. The P.N. Hoffman Plan would leave only a small cut-out of approximately 350 square feet at the corner of 18th Street and Columbia Road that would contain benches and planters and, even if it were properly designed, would be too small to accommodate the Farmers Market or the longstanding community, social, educational, civic, and artistic uses to which the Plaza was dedicated.

32. On May 4, 2016, the ANC voted unanimously (with two abstentions) to reject the first P.N. Hoffman Plan.

33. Undeterred by community opposition, the defendants have continued to move forward with the Current P.N. Hoffman Plan through the District of Columbia's regulatory review process, so that there is now nothing to prevent the defendants from destroying the Plaza.

34. Upon information and belief, defendants Potomac Investment Properties and P.N. Hoffman formed a new limited liability company, 1800 Columbia Potomac Investment Properties, in February 2017, in connection with their plans to begin the Plaza demolition and construction of a new condominium building in the space now occupied by the Plaza and subject to a public easement.

35. Upon information and belief, defendants, acting through 1800 Columbia Road, LLC, filed for a raze permit on May 3, 2017, and for a shoring and sheeting permit and a foundation permit on May 12, 2017. Should the District of Columbia Department of Consumer and Regulatory Affairs issue these permits as requested, there would be nothing standing in the way of the defendants' planned destruction of the Plaza.

36. Construction of a condominium building where the Plaza now sits, as indicated in the Current P.N. Hoffman Plan, would destroy the Plaza, rendering the use and enjoyment of the public easement impossible. All attempts to dissuade defendants from destroying the public easement have been unsuccessful, necessitating this lawsuit.

Statement of Claims

Count I
(Declaratory and Injunctive Relief)

37. Perpetual dedicated the Plaza to public use, creating an easement by public dedication on the Plaza portion of the 1800 Columbia Road parcel.

38. The public accepted the easement offered by Perpetual, both through the agreement by community organizations to withdraw their FHLBB protest in 1977 and the long and uninterrupted use of the Plaza by members of the public as a town square since construction of the branch bank was completed in 1979.

39. The construction of a building in the space now occupied by the Plaza would obliterate the longstanding public easement.

40. Destruction of the easement would cause plaintiffs' members to lose the use and enjoyment of the Plaza and the vital civic, cultural, artistic, and nutritional benefits provided to these members by the Plaza.

41. The loss of the Plaza would undermine community health and adversely affect the livability and vibrancy of the Adams Morgan neighborhood.

42. Members of vulnerable groups, including the children of members of KCA and AdMo4RD and members who are young mothers or senior citizens, would lose access to programs which provide them with fresh farm products at no cost. The well-being of members'

children would be especially affected by not having a farmers market and public square in their neighborhood.

43. The Plaza provides much more for Adams Morgan residents than fresh and wholesome food. The social, cultural, and neighborhood benefits of a public town square – in continual existence for about 38 years – are testaments to the Plaza's enduring and vital importance to the community. The loss of these social and cultural benefits would harm plaintiffs.

44. Destruction of the public easement is a clear and present threat to the plaintiffs' use and enjoyment of an irreplaceable community resource. Implementation of the Current P.N. Hoffman Plan would cause the members of plaintiffs' organizations to lose the use and enjoyment of the Plaza as a neighborhood social, recreational, nutritional, and cultural gathering place. The loss of the Plaza would undermine the character of the neighborhood and adversely impact the livability of Adams Morgan.

45. The Plaza is an important neighborhood amenity. Its loss would result in pecuniary losses to plaintiffs' members.

46. The threatened destruction of the easement is real, concrete, specific, and immediate. The defendants are in the final stages of the preparation process and could begin cordoning off and obliterating the Plaza in the immediate future as permit applications to raze the bank building and to both shore the property and build the foundation for the new condominium building were submitted to the District of Columbia Department of Consumer and Regulatory Affairs on May 3 and 12, 2017, respectively.

Prayer for Relief

Wherefore, plaintiffs move for the following relief:

1. A declaratory judgment that an easement for the benefit of the public exists for the Plaza located at the corner of the intersection of 18th Street and Columbia Road, Northwest (square 2551, lot 0078), and an injunction enjoining the defendants from destroying or otherwise interfering with the public easement on the Plaza, and specifically, from destroying the Plaza by constructing their proposed luxury condominium in the space now occupied by the Plaza, and/or limiting the public's use or access to the Plaza.
2. Plaintiffs' costs and fees associated with this action.
3. Such other relief as is just.

Jury Demand

The plaintiffs demand a jury trial.

/S/ PAUL ZUKERBERG

Paul Zukerberg, DC Bar # 388152
Zukerberg & Halperin, PLLC
1790 Lanier Place N.W.
Washington, D.C. 20009-2118
(202) 232-6400
paul@zukerberg.com

Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133

Kalorama Citizens Association et al.
Plaintiff

vs.

Case Number 2017 CA 004182 B

P.N Hoffman & Associates Inc. et al.
SERVE: CT Corporation Systems
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 you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the 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 Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within 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.

Paul Zukerberg
Name of Plaintiff's Attorney

1790 Lanier Place NW
Address
Washington, D.C. 20009-2118

(202) 232-6400
Telephone

Clerk of the Court

By _____
Deputy Clerk

Date 06/16/2017

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

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

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Vea al dorso la traducción al español

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DIVISIÓN CIVIL
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

_____
Demandante

contra

Número de Caso: _____

_____
Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le require entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le require presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que Usted le entregue al demandante una copia de la Contestación o en el plazo de cinco (5) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

SECRETARIO DEL TRIBUNAL

_____
Nombre del abogado del Demandante

Por: _____
Subsecretario

_____
Dirección

_____

Fecha _____

_____
Teléfono

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IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO, O SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍAN RETENERLE SUS INGRESOS, O PODRÍAN TOMAR SUS BIENES PERSONALES O RAÍCES Y VENDERLOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPONERSE A ESTA ACCIÓN, *NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO*.

Si desea converser con un abogado y le parece que no puede afrontar el costo de uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse de otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
See reverse side for English original

DO NOT COMPLETE

Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133

Kalorama Citizens Association et al.
Plaintiff

vs.

Potomac Investment Properties, Inc. et al.
SERVE: MICHAEL K. GEWIRZ
Defendant

Case Number 2017 CA 004182 B

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 you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the 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.

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Paul Zukerberg
Name of Plaintiff's Attorney

1790 Lanier Place NW
Address
Washington, D.C. 20009-2118

(202) 232-6400
Telephone

Clerk of the Court

By _____
Deputy Clerk

Date 06/15/2017

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DIVISIÓN CIVIL
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

_____
Demandante

contra

Número de Caso: _____

_____
Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le require entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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SECRETARIO DEL TRIBUNAL

_____
Nombre del abogado del Demandante

Por: _____
Subsecretario

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Dirección

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IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO, O SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍAN RETENERLE SUS INGRESOS, O PODRÍAN TOMAR SUS BIENES PERSONALES O RAÍCES Y VENDERLOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPONERSE A ESTA ACCIÓN, *NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO*.

Si desea converser con un abogado y le parece que no puede afrontar el costo de uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse de otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
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DO NOT COMPLETE

Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133

Kalorama Citizens Association et al.
Plaintiff

Suntrust Bank Company et al.
d/b/a Suntrust Bank a/k/a Suntrust Banks, Inc.
SERVE: CORPORATION SERVICE COMPANAY
Defendant

Case Number 2017 CA 004182 B

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 you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the 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 Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within 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.

Paul Zukerberg
Name of Plaintiff's Attorney

1790 Lanier Place NW
Address
Washington, D.C. 20009-2118

(202) 232-6400
Telephone

Clerk of the Court

By _____
Deputy Clerk

Date 06/15/2017

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

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

See reverse side for Spanish translation
Vea al dorso la traducción al español

TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

_____
Demandante

contra

Número de Caso: _____

_____
Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le require entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le require presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que Usted le entregue al demandante una copia de la Contestación o en el plazo de cinco (5) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

SECRETARIO DEL TRIBUNAL

_____
Nombre del abogado del Demandante

Por: _____
Subsecretario

_____
Dirección

_____

Fecha _____

_____
Teléfono

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DO NOT COMPLETE

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

KALORAMA CITIZENS ASSOCIATION et al
Vs.
SUNTRUST BANK COMPANY et al

C.A. No. 2017 CA 004182 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure ("SCR Civ") 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the Summons, the Complaint, and this Initial Order. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in SCR Civ 4(m).

(3) Within 20 days of service as described above, except as otherwise noted in SCR Civ 12, each defendant must respond to the Complaint by filing an Answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in SCR Civ 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an Initial Scheduling and Settlement Conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than six business days before the scheduling conference date. No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each Judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website http://www.dccourts.gov/.

Chief Judge Robert E. Morin

Case Assigned to: Judge TODD E EDELMAN
Date: June 16, 2017
Initial Conference: 9:30 am, Friday, September 15, 2017
Location: Courtroom 212
500 Indiana Avenue N.W.
WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at https://www:dccourts.gov/pa/. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 2900, 410 E Street, N.W. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code§ 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Clerk's Office. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Robert E. Morin