

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

<p>JULIE PACE and MICHAEL FERENCZY; 1315 W Street NW #345, Washington D.C. 20009</p> <p>Plaintiffs.</p> <p>-vs-</p> <p>WAGTIME, LLC, 1232 9th St. NW, Washington, D.C. 20001; LISA SCHREIBER and OFER KHAL; 3634 Alton Pl, NW, Washington, DC 20008</p> <p>Defendants.</p>	<p>CIVIL DIVISION</p> <p>Civil Action No. <u>2015 CA 003951 B</u></p> <p><u>COMPLAINT AND JURY DEMAND</u></p>
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COMPLAINT FOR DAMAGES

The Complaint of Plaintiffs, Julie Pace and Michael Ferenczy, respectfully shows and alleges as follows:

Nature of the Action

1. This case is about a series of grievous wrongs committed by Defendant Wagtime, LLC (“Wagtime”) and its co-owners, Defendants Lisa Schreiber and Ofer Khal, in Wagtime’s care of a now-deceased dog, “Pip.” Pip is dead because Wagtime failed to exercise basic, reasonable care when Pip was boarding with Wagtime. Wagtime’s employee did not use the owner-supplied leash and harness to secure the dog while walking her and, as a consequence, Pip broke free from her walker, ran into the road and was killed on the spot. And, Pip’s death has lead to emotional pain and suffering on the part of Plaintiffs—Pip’s owners and family—not just for losing Pip, but also because Defendants engaged in a callously conceived cover-up to hide their negligence from Plaintiffs and the public. Among other things, Defendants misrepresented Pip’s medical condition to Plaintiffs after the accident, making them believe that Pip was

suffering but had hope of surviving the accident that killed her when in Wagtime's care. For this reason and others described below, Plaintiffs are seeking full compensatory damages including emotional distress and punitive damages for Wagtime's negligent and intentional torts.

Factual Allegations

2. Plaintiffs are residents of the District of Columbia.

3. Defendant Wagtime, LLC has a principal place of business at 1232 9th St. NW, Washington D.C. 20001. Wagtime is engaged in the business of boarding, walking and grooming dogs in Washington, D.C., among other commercial activities.

4. On information and belief, Wagtime's co-owners, Lisa Schreiber and Ofer Khal, reside in the District of Columbia. In addition, Schreiber and Khal transact significant business in the District and were directly involved in the torts at issue in this Complaint, all of which occurred in the District.

5. On the morning of Friday, April 10, 2015, before going out of town for the weekend, Plaintiffs entrusted their 9-month-old puppy named "Pip" to boarding at Wagtime's location on 9th Street, N.W., near the Convention Center.

6. Wagtime charged Plaintiffs \$55.00 per day to care for Pip and \$20.00 per walk.

7. Wagtime requested, and Plaintiffs provided, a leash and harness to be used on Pip for **all walks**. Plaintiffs requested that their puppy Pip receive two walks per day while in the care of Wagtime.

8. On Sunday, April 12, 2015, a Wagtime employee (named "Cory" on information and belief) took Pip for a walk along with **two other** dogs in the neighborhood around Wagtime.

9. The importance of utilizing proper equipment when walking a dog on city streets and sidewalks cannot be understated. On information and belief, Wagtime understands the importance of walking a dog (particularly a small dog) using a harness because simply attaching

a leash to a traditional dog collar can allow the dog to slip free of the walker too easily. Moreover, using a properly fitted harness enables greater control of the dog being walked. Indeed, Plaintiffs specifically purchased a “no pull” harness for Pip for this exact purpose.

10. But Wagtime did not use the properly fitted harness that Plaintiffs provided and that Wagtime agreed to use for safety purposes. As such, during the walk, Wagtime’s employee lost control of the leash, allowing Pip to run free to her tragic and untimely death.

11. At approximately 1:45pm on Sunday, April 12, 2015, a female eyewitness was at the intersection of 11th and Rhode Island NW on the south side of Rhode Island Ave. The eyewitness observed Pip running freely on the sidewalk on Rhode Island Ave. on the other side of the street. Pip still had a collar and leash attached to her. Pip crossed into the intersection and managed to pass through the northbound lanes safely. But upon crossing into the middle lane of the southbound lanes of 11th St NW, Pip was struck by a vehicle. The vehicle fled the scene of the accident.

12. The female eyewitness directly observed that Pip was not wearing a harness. Instead, Wagtime had attached the leash directly to the collar. Furthermore, the leash was approximately 1/2 inch in width, dark green and read “Lucky Dog Rescue” in white writing. Thus, not only did Wagtime neglect to secure Pip with her no-pull harness—they did not even use her own leash.

13. Within a matter of minutes, the female eyewitness and a male passerby determined that Pip had died. Pip no longer was breathing.

14. Shortly thereafter, the female eyewitness observed someone (a male) wearing an orange “Wagtime” shirt jogging across the intersection of 11th and Rhode Island Ave. NW. When he arrived at the scene of the accident, he identified himself as “Cory.” Cory stated that he

was the dogwalker for Wagtime and that Pip had got loose while he was walking Pip and two other dogs. Cory borrowed the eyewitness' phone to call Wagtime but was unable to get through.

15. Eventually, the female eyewitness was able to reach Wagtime on the telephone and explained what she had witnessed. The male passerby agreed to drive the now-deceased puppy back to Wagtime at the business' request, while the female eyewitness and Cory walked back to Wagtime. The eyewitness carried the leash and collar.

16. When the eyewitness arrived at Wagtime, she relayed her observations of the incident to a female Wagtime employee. The employee acknowledged that Pip "should have been on a harness" and suggested that the Wagtime employee would be at fault.

17. The female eyewitness provided Wagtime with her contact information and left at 2:19pm.

18. Instead of promptly and accurately informing Plaintiffs of what happened to Pip, Defendants made the following misrepresentations in an apparent and brazen attempt to mislead Plaintiffs and to avoid responsibility for Wagtime's negligence resulting in Pip's death.

19. At 3:08pm, Plaintiff Michael Ferenczy received a call on his phone from one of Wagtime's owners, Defendant Lisa Schreiber. Ms. Schreiber initially claimed **that her husband**, Defendant Ofer Khal, had been struck by a hit-and-run driver while walking Pip. Mr. Ferenczy asked if her husband was okay, and Ms. Schreiber said she did not know.

20. At approximately 3:21pm, Mr. Khal sent a text message to Mr. Ferenczy to say he (Khal) was driving Pip to the animal hospital. Mr. Khal told Mr. Ferenczy that Pip had been hit in the head by a car and was unconscious—but she was still breathing.

21. At 3:37pm, Mr. Khal called Mr. Ferenczy as he was bringing Pip into the animal hospital. Mr. Ferenczy could hear the veterinarian tell Mr. Khal that Pip in fact was dead.

22. Mr. Ferenczy repeatedly insisted that Mr. Khal file a police report to help the police track down the hit and run driver. Mr. Khal reluctantly agreed.

23. At approximately 5:00pm Mr. Khal filed a police report claiming that *Khal* himself (not Cory) was walking just *two* dogs and that both dogs were on leashes when Pip was struck supposedly *at the intersection of 10th and M*. Mr. Khal did not mention in the report (or to Plaintiffs) that he had the name and contact information of an eyewitness to the accident. In fact, Mr. Khal alleged in his report that there were *no* witnesses even though the female eyewitness had left her name and contact information with Wagtime. A true and correct copy of the police report is attached as Exhibit A.

24. When Plaintiffs returned to the District later that night around 8:30pm, Plaintiffs went to the Friendship Hospital for Animals to identify Pip. Plaintiffs were told that Pip was dead on arrival (just as the female eyewitness had observed at the scene and had advised the Wagtime staff).

25. The following day, on Monday, April 13th, 2015 at 12:49pm, Plaintiff Julie Pace called Defendant Khal. During this 10-minute long phone call, Mr. Khal maintained his version of the incident that he had given to Plaintiffs and the police.

26. Plaintiffs later learned from multiple eyewitnesses that Mr. Khal's account of Pip's death was untrue in multiple respects relating to Wagtime's responsibility for the accident and the company's negligence in handling Pip.

COUNT ONE – Negligence Against Wagtime

27. Plaintiffs reallege and incorporate by reference all previous allegations as if fully set forth herein.

28. By agreeing to board Pip, Wagtime took on a duty to exercise reasonable care when taking Pip for walks.

29. Wagtime failed to exercise reasonable care by not using the owner-supplied leash and no-pull harness on April 12th, 2015 when its employee took Pip on a walk.

30. Wagtime acted negligently by allowing its employee to attempt to walk three dogs simultaneously on a busy city street and sidewalk.

31. Wagtime acted negligently when its employee lost control of Pip's leash in a high-traffic area.

32. As a direct and foreseeable consequence of Defendants' negligence, Pip was hit by a car and died causing Plaintiffs substantial injury.

COUNT TWO – Breach of Bailment Against Wagtime

33. Plaintiffs reallege and incorporate by reference all previous allegations as if fully set forth herein.

34. By agreeing to board Pip for a caretaking fee, Wagtime entered a mutually beneficial "bailment for hire" relationship with Plaintiffs.

35. By virtue of Pip's untimely death, and Wagtime's role as "bailee for hire," Wagtime is presumed negligent in its inability to return Pip home and healthy.

36. Wagtime in fact breached its duties owed to Plaintiffs.

37. As a direct and foreseeable consequence of Wagtime's breach(es) of duty, Pip was hit by a car and died causing Plaintiffs substantial injury.

COUNT THREE – Negligent Infliction Of Emotional Distress Against Wagtime

38. Plaintiffs reallege and incorporate by reference all previous allegations as if fully set forth herein.

39. By agreeing to board Pip, Wagtime voluntarily entered into a relationship with Plaintiffs which necessarily implicated Plaintiffs' well-being and where there was an especially likely risk that Wagtime's negligence would cause serious emotional distress to the Plaintiffs.

40. Wagtime's negligence caused severe and foreseeable emotional distress to Plaintiffs when Pip was struck by a car and died.

COUNT FOUR – Intentional Infliction of Emotional Distress Against All Defendants

41. Plaintiffs reallege and incorporate by reference all previous allegations as if fully set forth herein.

42. Defendants engaged in extreme and outrageous conduct by concocting a series of false statements as part of a scheme to mislead Plaintiffs and to cover up its responsibility for Pip's tragic death. These misrepresentations include, but are not limited to: (a) that **Ofer Khal** was walking Pip at the time Pip was struck by the vehicle, (b) that the Wagtime employee was only walking just **two** dogs prior to the incident, (c) that Pip was wearing her proper owner-supplied leash and harness, (d) that Pip was struck while on the leash being walked, (e) that there were no other witnesses to the accident, and (f) that Pip was breathing but unconscious at approximately 3:21pm on April 12, 2015.

43. Defendants also filed a false police report containing the above misstatements.

44. Defendants intentionally or recklessly caused Plaintiffs severe emotional distress as Defendants intended Plaintiffs to believe their misstatements.

45. Plaintiffs did in fact initially believe Defendants' misstatements; specifically, Ms. Schreiber's misstatement that Mr. Khal had been hit by a car while walking Pip and Mr. Khal's misstatement that Pip was breathing but unconscious at 3:21pm on April 12, 2015.

46. As a direct result of Defendants' intentional misstatements and scheme to mislead Plaintiffs, Plaintiffs suffered severe and extreme emotional distress by, for example, believing that Pip was suffering on her way to the animal hospital.

47. Further, Plaintiffs suffered severe emotional distress by being given false hope that Pip was alive when in fact Pip had already passed over an hour prior.

48. Upon investigating the incident and discovering the truth from various witnesses, including the female eyewitness to the tragic results of Wagtime's negligence, Plaintiffs suffered additional emotional distress when they learned of Defendants' callous scheme to mislead Plaintiffs.

COUNT FIVE - Punitive Damages Against All Defendants

49. Plaintiffs reallege and incorporate by reference all previous allegations as if fully set forth herein.

50. Defendants' scheme to cover up their responsibility for the death of Pip, combined with a series of callous lies, demonstrate that Defendants acted with actual malice and willful disregard to the rights of the Plaintiffs.

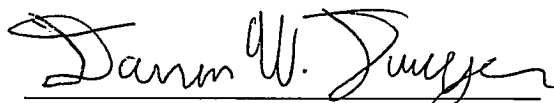
51. Such outrageous and grossly negligent conduct towards the Plaintiffs' emotional well-being justifies the imposition of punitive damages.

JURY DEMAND

Plaintiffs demand a right to a jury on all counts so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against the Defendants in excess of the jurisdictional minimum of \$5,000.00 for damages, punitive damages, costs and such other relief as the Court may deem equitable and just.



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Darren W. Dwyer, D.C. Bar # 1019853

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*Attorneys for Plaintiffs,
Julie Pace and Michael Ferenczy*

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

Julie Pace and Michael Ferenczy

Case Number: 2015 CA 003951 B

vs

Date: 5/29/15

Wagtime LLL, Lisa Schreiber, Ofer Kha

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

Name: <i>(Please Print)</i> <u>Darren Dwyer</u>	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff
Firm Name: <u>Troutman Sanders LLP</u>	<input type="checkbox"/> Self (Pro Se)
Telephone No.: <u>202.274.2952</u> Six digit Unified Bar No.: <u>1019453</u>	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
Demand: \$ excess of \$5,000.00 Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

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

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

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

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Information Sheet, Continued

C. OTHERS

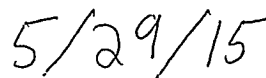
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| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 10 T.R.O./ Injunction | <input type="checkbox"/> 25 Liens: Tax/Water Consent Granted |
| <input type="checkbox"/> 02 Att. Before Judgment | <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 26 Insurance/ Subrogation
Under \$25,000 Consent Denied |
| <input type="checkbox"/> 04 Condemnation (Emin. Domain) | <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 27 Insurance/ Subrogation
Over \$25,000 Pltf. Grants Consent |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 28 Motion to Confirm Arbitration
Award (Collection Cases Only) |
| <input type="checkbox"/> 07 Insurance/Subrogation
Under \$25,000 Pltf.
Grants Consent | <input type="checkbox"/> 17 Merit Personnel Act (OEA)
(D.C. Code Title 1, Chapter 6) | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 08 Quiet Title | <input type="checkbox"/> 18 Product Liability | <input type="checkbox"/> 30 Liens: Tax/ Water Consent Denied |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award
(DC Code § 16-4401) | <input type="checkbox"/> 31 Housing Code Regulations |
| | | <input type="checkbox"/> 32 Qui Tam |
| | | <input type="checkbox"/> 33 Whistleblower |
| | | <input type="checkbox"/> 34 Insurance/Subrogation
Over \$25,000 Consent Denied |

II.

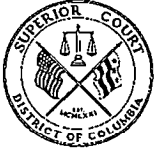
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|---|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-1 (b)] |
| <input type="checkbox"/> 06 Foreign Judgment | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 13 Correction of Birth Certificate | 2-1802.03 (h) or 32-1519 (a)] | <input type="checkbox"/> 23 Rule 27(a) (1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code §
42-3301, et seq.) | <input type="checkbox"/> 24 Petition for Structured Settlement |
| | | <input type="checkbox"/> 25 Petition for Liquidation |



Attorney's Signature



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

Julie Pace and Michael Ferenczy

Plaintiff

vs.

2015CA3951

Case Number _____

Wagtime LLC, Lisa Schreiber, and Ofer Khal

Defendant


SUMMONS

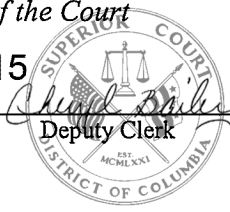
To the above named Defendant:

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.

Darren Dwyer
 Name of Plaintiff's Attorney
401 Ninth St. NW suite 1000
 Address
Washington, D.C. 20004
202.274.2952
 Telephone

Clerk of the Court
 5/29/2015
 By 
 Deputy Clerk
 Date _____



如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bản dịch, hãy gọi (202) 879-4828
 번역을 원하시면, (202) 879-4828 로 전화하십시오 የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

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

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

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



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

JULIE PACE et al
Vs.
WAGTIME LLC et al

C.A. No. 2015 CA 003951 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 Lee F. Satterfield

Case Assigned to: Judge JEANETTE J CLARK
Date: June 1, 2015
Initial Conference: 9:30 am, Friday, August 28, 2015
Location: Courtroom 221
500 Indiana Avenue N.W.

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 Lee F. Satterfield