

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

OLIVIA PARROTT
5804 Foote St NE, Apt 4
Washington, DC 20019-6937

Plaintiff, on behalf of herself and all others
similarly situated,

v.

**GOVERNMENT OF THE DISTRICT OF
COLUMBIA, et al.**

Defendants.

Civil Action No: 21-2930

ERRATA

Attached hereto is the class action complaint that was inadvertently omitted from the case initiation filings.

Respectfully submitted,

/s/ William Claiborne
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Plaintiff, on behalf of herself and all others
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**GOVERNMENT OF THE DISTRICT OF
COLUMBIA,**

SERVE:

Mayor Muriel Bowser
Designee Darlene Fields
Civil Litigation Division
400 6th Street, NW
Washington, DC 20001

and

Karl A. Racine, Esq.
D.C. Attorney General
Designee Darlene Fields
Civil Litigation Division
400 6th Street, NW
Washington DC 20001

Defendant.

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CLASS ACTION COMPLAINT

Complaint for Judgment for Money Damages and Injunctive Relief and Declaratory Relief with Jury Demand

1. This is a class action complaint for a judgment for money damages and declaratory judgment and injunctive relief under 42 U.S.C. § 1983 and for money damages under the common law against the Government of the District of Columbia (hereinafter “District of Columbia” or the “the District”).
2. Olivia Parrott (sometimes the "Named Plaintiff"), on behalf of herself and the classes defined below, brings this action against the Government of the District of Columbia (the "District" or the "District of Columbia") under 42 U.S.C.A. § 1983 and the common law for injuries they suffered during the Class Period because the District, by enforcing its unconstitutional policies and practices, caused them and the other members of the Classes to be deprived of their property rights in their vehicles and mobile phones and other personal property.
3. Olivia Parrott is a single mom raising two sons ages 7 and 11 in the District’s Parkland area while studying to be a nurse’s assistant. In August 2019 the MPD seized Ms. Parrott’s 2013 Volkswagen Passat and the iPhones belonging to her and her two young sons in connection with a murder investigation even though neither she nor her sons had any involvement in the case. Pursuant to its policy of retaining property seized in in connection with a criminal investigation until the case is over or until three years if no case is brought, the District kept the car for almost two years even though the MPD and the District’s Department of Forensics Science (“DFS”) had thoroughly searched the vehicle and processed it for trace evidence within a few days, and arrested the suspect and initiated a criminal case within just a few months. The MPD also seized the family’s iPhones and still have them even though the District could have extracted all evidentiary

utility from the mobile phones in just a few days by processing them for prints and other trace evidence and by creating a mirror image of the data on the phones.

4. Once the District has extracted all evidentiary value from vehicles and mobiles phones by searching and processing them the property has no evidentiary utility and should be released, at least subject to conditions to preserve and keep the property subject to Court supervision.

5. The District's seizure and retention of Ms. Parrott's 2013 Volkswagen Passat and the iPhones belong to her and her two young sons (age 7 and 11) illustrates the District's policy regarding property seized in in connection with a criminal investigation and practice regarding and the misery it causes.

JURISDICTION AND VENUE

6. This Court has jurisdiction over Ms. Parrott's and the other class members' 42 U.S.C. § 1983 claims under 28 U.S.C. §1331 and 28 U.S.C. §1343(3)-(4).

7. This Court has supplemental jurisdiction over Ms. Parrott's and the other class members' common law claims. *See* 28 U.S.C. A. § 1367(a).

8. Venue is proper in this jurisdiction pursuant to 28 U.S.C §1391(b) because the events or omissions underlying the claims occurred in this judicial District.

PARTIES

9. Olivia Parrott is a single mom raising two sons ages 7 and 11 while studying to be a nurse's assistant. Ms. Parrott is also a material witness in a murder investigation conducted by the MPD. The MPD seized her family car and the family iPhones and kept the car for almost two years and still has the iPhones even though the District could have recovered all evidentiary value from the property with a few says.

10. Defendant District of Columbia is a municipal corporation capable of being sued under D.C. Code § 1-102.

11. During all events described herein, all police officers and other MPD employees referred to herein, named or unnamed, unless otherwise specified, were police officers or civilian employees of the District of Columbia Metropolitan Police Department acting within the scope of that employment, in furtherance of the interests of the District of Columbia, and under color of the statutes, ordinances, rules, customs, and usage of the District of Columbia.

Non-party Government Actors

The MPD Property Clerk

12. The Property Clerk is not a party to this action because the Property Clerk is an employee of the MPD. D.C. Code § 5-119.01(a). The Property Clerk is a member of the MPD but the Property Clerk's staff consists of civilians who are not members of the MPD. D.C. Code § 5-119.01(a). Vehicles seized solely as potential evidence (but not vehicles seized for civil forfeiture or for both civil forfeiture and potential evidence) are in the custody of the Property Clerk. D.C. Code § 5-119.06(d).

The "United States [A]ttorney for the District of Columbia or [their] assistants"

13. The United States Attorney for the District of Columbia is not a defendant in this case. But, the "United States [A]ttorney for the District of Columbia or [their] assistants" (the "US Attorney") prosecutes felony cases and most misdemeanor cases under the D.C. Code pursuant to D.C. Code § 23-101(c).

14. The US Attorney also prosecutes minor cases under the D.C. Code which are normally prosecuted by the OAG if the minor cases are joined with a felony or misdemeanor and if the OAG consents pursuant to D.C. Code § 23-101(d).

15. Section 23-101 is part of an “Act of Congress applicable exclusively¹ to the District of Columbia,” and thus is “considered to be a statute of the District of Columbia” for purposes of § 1983. 42 U.S.C.A. § 1983.

16. The D.C. Code is also an “Act of Congress applicable exclusively to the District of Columbia” which the Congress has given the D.C. Council power to amend (subject to Congressional approval). D.C. Code § 1-206.02(c)(2).

17. There is no statutory basis for the US Attorney to hold vehicles as possible evidence in criminal proceedings conducted under the D.C. Code in the Superior Court.

Office of the Attorney General of the District of Columbia (“OAG”)

18. OAG prosecutes minor offenses and traffic offenses such as DUI under the D.C. Code. D.C. Code § 23-110.

19. There is no statutory basis for the OAG to hold vehicles as possible evidence in criminal proceedings conducted under the D.C. Code in the Superior Court or to block their release by the Property Clerk.

20. Nonetheless, the District allows the OAG unfettered discretion in retaining vehicles seized as possible evidence as long as the OAG likes by not providing prompt post seizure hearings at which owners can compel the return of their vehicles when they are no longer needed as evidence.

¹ D.C. Code § 23-101 derives from an Act to Establish a Code of Law for the District of Columbia, ch. 854, § 932-933, 31 Stat. 1189, 1340-41 (1901). The District of Columbia Court Reform and Criminal Procedure Act of 1970, PL91-358, 84 Stat. 473, 604-605 (1970), created the current version. D.C. Code § 1-204.35(AG elected).

FACTUAL ALLEGATIONS

Facts Common To All Seizures

The District Seizes Vehicles and Mobile Phones for Use in Criminal Investigations but Refuses to give them back after Extracting Evidentiary Value from them

21. The MPD has a policy and practice of seizing vehicles (which frequently contain other property) and mobile phones in connection with criminal investigations.
22. The only justification for the MPD to seize and retain the vehicles (and items in them) and mobile phones is to prevent the loss of “potential evidence” in the vehicles and mobile phones.
23. But, as explained below, the evidentiary value of any potential evidence that may be found in a vehicle or a mobile phone is separate and distinct from the vehicle or the phone themselves.
24. Thus, the evidentiary utility of a vehicle or the phone, along with the government's right to keep them, must be analyzed separately from the contents of, or the trace evidence on, a vehicle or the data or trace evidence on or in a phone.
25. Still, the District retains the vehicles and mobile phones and other property for weeks, months and years after they are needed by the District to extract “potential evidence” in the vehicles and mobile phones or anyone else in connection with the criminal investigation or case if one is ever brought.
26. The District does not seize and retain the vehicles to offer them as evidence in hearings or criminal proceedings.
27. The vehicles themselves are virtually never offered as evidence in criminal proceedings.
28. Rather, the District searches the vehicles for items in the vehicle that may have evidentiary value such as guns, drugs or identifying documents such as drivers' licenses.

29. In some cases the District's MPD or the DFS processes the vehicles for trace evidence such as fingerprints, blood, or perspiration.
30. Searching and processing a vehicle for trace evidence is a process which takes only a couple of days except in the most exceptional circumstance.
31. Similarly, when the District seizes mobile phones for use in criminal investigations the mobile phones themselves are seldom offered as evidence in criminal proceedings.
32. It is the data on the phones - call logs, images, texts - that is needed as evidence.
33. The vehicles and phones themselves typically have no evidentiary value after they have been searched and processed for evidence.
34. Any evidentiary value in the vehicles and phones themselves remaining after processing can be preserved by photographing them.
35. But, the District retains the vehicles or phones pursuant to the District's policy of retaining "potentially discoverable material" until the case is over or, if no judicial case is filed, for a period of three years from the date such material was first obtained.²
36. The problem with the District's policy and practice of holding vehicles and phones and other property long past the time they are needed to recover "potential evidence" is that the policy

² MPD policy as expressed in two General Orders. "The policy of the Metropolitan Police Department is to preserve all material, which may constitute evidence, or may otherwise be pertinent in a subsequent criminal judicial proceeding." MPD General Order 601.2 "Preservation of Potentially Discoverable Material" (Feb. 3, 2004) at Part II. "Policy." Under the MPD's General Order, "potentially discoverable material" is defined to "include[], but is not necessarily limited to, such items as tangible documents, reports, video/audio tapes, transcripts of video/audio tapes, and photographs." *Id.* at Part III. "Definitions" (emphasis added). Potentially discoverable evidence is to be preserved "until the entire investigative jacket or case folder is disposed of," or, "[i]f no criminal judicial proceeding has been initiated, the material shall be preserved for a period of three years from the date such material was first obtained." *Id.* at Part V.B (1) & (2).

and practice deprives owners of their possessory interest in their property, and the property wastes away during the illegal detention.

37. Aggravating the problem is the District gives no notice at the time of seizure not even a copy of a warrant if one exists or even an inventory of personal property found in the vehicles.

38. As a result, owners run all over town trying to track down who seized their vehicles and how to get them back.

39. Finally vehicles and mobile phones are wasting assets and they lose value and decompose every day they are in the District's custody.

40. To add insult to injury, owners have to continue paying car notes and phone bills even though they have lost their property and vehicle owners must maintain registration and insurance on their vehicles.

The MPD - not the U.S. Attorney or the DC Office of the Attorney General - Classify Vehicles and Other Property according To Classifications Established by the Chief in MPD Policy Directives

41. The MPD - not the U.S. Attorney or the DC Office of the Attorney General - classify vehicles and other property according to classifications established by the Chief in MPD Policy Directives.

42. An MPD officer who seizes or "recovers" a vehicle or phone or other property (the "recovering officer") must, before the end of their shift, fill out a PD 81 (Property Record) listing the property.

43. The recovering officer classifies the property on the Property Record according to categories established by the Chief in MPD policy directives. MPD General Order 601.1,

Recording, Handling and Disposition of Property Coming into the Custody of the Department, GO-601.01, p. 3, 20 (I,A,6; III, A)(April 30, 1992).³

44. The Chief of the MPD is the District's policy make for this function.

45. The MPD classifies as "evidence" or for "investigation" vehicles, phones or other property that may be used in a criminal investigation. *Id.* at pp. 26-27 (III, F, 1 - 6).

46. Sometimes the MPD classifies such property as "for investigation."

47. Neither of the District prosecutors (the OAG or the US Attorney) makes the classification as "evidence" or directs the MPD to make the classification.

48. The MPD and the other stakeholders in the District's criminal justice system refer a classification of a vehicle or mobile phone or other property "as evidence" as an "evidentiary hold."

49. This term "evidentiary hold" is a misnomer as applied to vehicles and most phones because (1) when the District seizes vehicles for use as possible evidence the vehicles themselves are virtually never offered as evidence in criminal proceedings; (2) the only justification for seizing vehicles is to extract any "potential evidence" that might be in them such as trace evidence - fingerprints, blood - or items in the vehicle such as contraband or identifying documents; (3) usually the only justification for seizing mobile phones is to extract any "potential evidence" that might be in them such as data, call logs, images, and texts.

50. Although the District does not release vehicles in the custody of the Property Clerk without obtaining a "release" (an MPD generated form called a PD 81-c) from the appropriate prosecutor,

³ See Recording, Handling and Disposition of Property Coming into the Custody of the Department, GO-601.01, p.3 (property classifications); p. 26 ("When Items of property are classified as Evidence or Suspected Proceeds of Crime: Members shall mark Part I.E of the PD Form 81 with the code "E/C.").
https://go.mpdonline.com/GO/GO_601_01.pdf.

the District is the custodian of the vehicles and the District controls the timing of when to submit the release to the appropriate prosecutor.

51. The U.S. Attorney's Office confirms that the procedure for release of seized property is as follows: the MPD officer "makes the decision to release the seized property," and then presents a Form 81C to a supervisor at the USAO to sign "indicating that the USAO-DC has no objection to that release and that said property is not needed to be retained as evidence." (Giovannelli Decl. ¶¶ 3-7).

Taking and Detaining a Vehicle for a Forfeiture Determination

52. Taking and detaining a vehicle for a forfeiture determination means the vehicle is seized so that the Property Clerk (using authority delegated by the Mayor) can make a determination about whether to institute civil forfeiture proceedings against the vehicle even if the Property Clerk ultimately decides that the vehicle is not subject to civil forfeiture⁴.

53. The MPD classified each such vehicle on the PD 81 as "H," "hold for civil forfeiture," according to criteria in the MPD general orders.

54. Property seized for forfeiture determinations remains in the custody of "the District" until it is deemed not subject to forfeiture and returned to the owner or it is forfeited or auctioned off or sent to the federal government for adoption.

Facts Relating To Ms. Parrott's Claims

The MPD seized Ms. Parrott's Volkswagen Passat and mobile phones belonging to her and her two young sons

⁴The term "forfeiture determinations" is used instead "for forfeiture" because sometimes the MPD determine that property seized for forfeiture is in fact not subject to forfeiture. Property that is not subject to forfeiture must be returned to the owner, according to D.C. Code § 48-905.02(d)(3)(C).

55. Ms. Parrott is a single mom raising two young sons, ages 7 and 11 in the Parkland neighborhood.

56. The MPD seized Ms. Parrott's 2013 Volkswagen Passat on about August 22, 2019, and held it for 20 months - almost two years - even though the District had completed processing the crime scene and processing and searching and photographing the Passat in only a few days. During that almost two year long period the whole family - Ms. Parrott and her two young sons - were deprived of access to the family car they needed to conduct their lives.

57. To add insult to injury, when the District finally did return the Passat they returned the car but kept the keys so Ms. Parrott had to pay a tow company to tow it home.

58. Meanwhile, while the family car was on the Blue Plains lot, it depreciated and suffered weather damage.

59. There is no indication that the District covered the Passat or otherwise tried to preserve any blood stains or other trace evidence on or in or underneath the Passat while the District stored the Passat on the outdoor lot at the station or the lot at Blue Plains.

60. Moreover, the MPD seized the family iPhones and they still have not gotten them back even though the MPD could have made mirror images of data on the phones, processed the phones for finger prints and other trace evidence, and photographed them in just a few hours.

61. The MPD seized the Volkswagen Passat in connection with at shooting that happened on about August 22, 2019 in front of Ms. Parrott's home and a suspected related shooting close by.

62. On about August 22, 2019 police responding to multiple 911 calls found decedent Robert Jerome Brown, Jr. lying in the street near a pool of blood.⁵

63. Other police responding to a call about a nearby shooting believed by the police to be related found Melvin Simmons seriously wounded.

64. Police found Ms. Parrott's Volkswagen Passat on the Simmons scene with bullet holes in the back of the car, and with suspected blood in and on the car and nearby on the ground.

65. The position of the Passat relative to the suspected trajectory of bullet marks, CCTV images, and testimony led the District to believe the Passat had been moved from the Brown shooting scene.

66. Police found several items in front of 1408 18th Place, S.E. including guns, a set of keys with a Volkswagen key in the parking and suspected blood in the area.

67. The DFS processed the scenes and other items found there including the Passat.

68. Police interviewed Ms. Parrott and – according to the report – learnt she was the “significant other” of Mr. Simmons and the owner of the Volkswagen Passat.

69. Ms. Parrott is the owner of the Passat although the car is registered in her mother's name. She paid for the car and maintained it.

70. Mr. Simmons also sometimes drove the Passat with Ms. Parrott's consent but she had no knowledge of any criminal activity on his part.

71. Ms. Parrott gave the MPD consent to search the Passat.

72. Ms. Parrott also gave the MPD written consent to search an iPhone and provided the password.

⁵ The description of the scene and what the police found is taken from an MPD police report filed as the *Gerstein* in both of Mr. Simmons's cases, 2019 CF1 014711 and 2020 CF1 004364. The report presents the District's version of events. Ms. Parrott is not adopting the veracity of the contents of the reports.

73. DFS found suspected blood inside and outside the Passat believed by DFS to have come from the decedent and DFS took swab samples of the suspected blood.

74. The shootings in whole or part were observed by numerous witnesses who called 911 that night or later contacted police.

75. The shootings in whole or part were captured on Closed Caption Television (“CCTV”).

76. DFS and MPD finished processing (including taking swabs of the suspected blood) and searching the Passat and the iPhones in just a few days.

77. Alternatively, the DFS and the MPD could have processed the iPhones for evidence such as fingerprints and trace evidence in just a few days.

78. The DFS and the MPD could have taken a mirror image of the data on the iPhones or had some person or company do that for them in just a few days.

79. The MPD obtained an arrest warrant for Mr. Simmons on 10/30/2019.

80. The AUSA instituted two separate cases against Mr. Simmons:

2019 CF1 014711	Filed 11/19/2019	open
2020 CF1 004364	Filed 04/30/2020	Dismissed 10/21/2021

81. Ms. Parrott repeatedly called and called various persons in the mnpd connected with the investigation to find out when and how she could retrieve her vehicle.

82. On July 26, 2021 the District’s lead detective and the AUSA assigned to the case promised the court-appointed lawyer appointed to represent Ms. Parrott in her grand jury appearance to get back to him within a week about getting her car and property back to her.

83. Ms. Parrott did not participate in Mr. Simmons’ activities or know about them and she complied with a grand jury subpoena.

84. But, Ms. Parrott was not allowed to pick up her vehicle until September 8, 2021.

85. This incident illustrates that the District has a practice of not providing notice at or near seizure or when the District no longer needs a vehicle. Instead, the District expects owners to keep calling about their vehicles and mobile phones until the District has some news to tell them about retrieving their vehicles.

86. On September 8, 2021 Ms. Parrott went to the Blue Plains impound lot to pick up her car.

87. When Ms. Parrott arrived at Blue Plains she didn't have the keys because Mr. Simmons had dropped the keys and the MPD had the keys in their custody.

88. The MPD Property Clerk did not return the car keys – just the car.

89. Nor did the Property Clerk allow her to retrieve her personal items, including important papers (e.g., birth certificate) from the Passat.

90. The MPD offered her two choices: (1) let the Property Clerk move the Passat from the Property Clerk lot to the curb outside of the lot, which gave her 24 hours to get the car – otherwise, it will get towed; or (2) leave the Passat with the Property Clerk until she the District released the keys.

91. The Property Clerk staff were extremely rude and disrespectful to Ms. Parrott.

92. The District also refused to release two of the family iPhones because the MPD believe Mr. Simmons used them at some point.

93. The District never provided notice of any kind – not even a warrant or an inventory of property taken - or explained why the vehicle was taken or held.

Other Seizures Also Illustrate The Problem

Sharif Abdus-Shakur – Vehicle and iPhone Seized from Uninvolved in Connection with Simple Assault Investigation

94. On or about December 14, 2020, the MPD seized a 2005 silver Nissan Altima, Maryland tag 7CX5398 from the owner of the vehicle, Mr. Sharif Abdus-Shakur, without his knowledge, when the car was parked outside of his daughter's apartment building in Washington, D.C.

95. The MPD did not provide Mr. Shakur with notice of seizure, not even a warrant or an inventory.

96. So, simply finding his car missing when he went out to get in it, thinking that the vehicle was stolen, Mr. Shakur and his daughter contacted MPD to file a police report.

97. MPD informed Mr. Shakur a police report could not be filed because MPD had seized the vehicle in relation to an investigation.

98. However, MPD refused to provide any warrant or authority used to seize the vehicle.

99. There have been no arrests or reports filed in regards to this matter.

100. The learnt the vehicle was being held in property at the Fifth District.

101. Counsel (retained by the owner to retrieve the vehicle) contacted the Fifth District and was told the property office did not receive a warrant in the paperwork for the vehicle.

102. The Fifth District confirmed the car was under investigation with the Second District and to contact the detective office.

103. Counsel (retained by the owner to retrieve the vehicle) on December 23, 2020 filed an emergency motion for return of property in the Superior Court with the D.C. Superior Court Judge-in-Chambers.

104. About two weeks later, in an order dated January 5, 2021, the Chief Judge of the Criminal Division of the Superior Court denied the motion without prejudice ruling that "[since] no search warrant has been issued, nor has any criminal prosecution been initiated in connection with the purported seizure of the vehicle, thus it appears that the Criminal Division is without authority or

jurisdiction to act upon the request for return of property, absent some additional authority cited on behalf of Mr. Abdus-Shakur.” (copy of order attached to the foot of the complaint)

105. The Chief Judge also noted in the order that, “[t]he Court is forwarding a copy of the Motion to Ms. Lauren Bates, the Chief of the General Crimes Section of the DC Superior Court, as she may be able to provide further assistance.”

106. On January 10, 2021 the District finally agreed to release the car.

107. Thus the District kept the vehicle about a month.

108. Ultimately the owner, Mr. Shakur, found out that the MPD were investigating an assault at a store and there were allegations that two people left the store in Mr. Shakur’s car.

109. The MPD also seized and refused to return a mobile phone in the car.

110. At the end of the day the MPD illegally confiscated and detained the car for a month based on the officers’ version of “probable cause.”

111. The AUSA determined that the vehicle was in no way related to the charge the MPD were investigating at all.

112. The District never provided notice of any kind – not even a warrant or a return or an inventory of property taken - or explained why the vehicle was taken or held.

Vehicle Seized from Defendant Charged with CPWL – Held Six Weeks

113. On 2/1/2021 MPD arrested Mr. Jones (a pseudonym) and the U.S. Attorney filed a criminal complaint charging him with CPWL while he was driving a black Range Rover.

114. Mr. Jones was driving the black Range Rover despite the revocation of his Maryland driver's license in June 2019, and he was arrested for No Permit.

115. Mr. Jones’ parents own the black Range Rover.

116. After a search incident to arrest, officers recovered a loaded MMP9 Smith and Wesson Shield semi-automatic 9mm handgun from Mr. Jones's jacket.

117. The MPD have stated that they believe (based – according to the District - on CCTV and witness statements and other evidence) Mr. Jones was involved in a shooting of another man near or on Kendall Street, N.E. which happened on Thursday, January 14, 2021 but the U.S. Attorney has not charged Mr. Jones in connection with that shooting.

118. MPD and the AUSA connected to the case have stated that they believe Mr. Jones fled the scene of the January 14, 2021 they believe he was involved in in the black Range Rover.

119. The vehicle belonged to the arrestee's mother who nothing about the events in connection with the arrestee was arrested.

120. The U.S. Attorney asked that Mr. Jones be preventively detained pursuant to Section 1322(b)(1)(A) but the hold was denied because of Mr. Jones's lack of criminal history and employment. The present Judge also denied heightened supervision because she stated after hearing the testimony and argument that it may turn out that Mr. Jones was acting in self-defense in connection with a home invasion.

121. Defense counsel for Mr. Jones tried several times via email to obtain the release of the vehicle from the AUSA but the AUSA refused to consent to the release of the vehicle or explain why it was being held.

122. On 2/19/2021 defense counsel filed a Rule 41(g) motion for return of the vehicle.

123. Three weeks later, on 3/04/2021, the day before the deadline to respond, government filed a motion for a one week extension to respond to the motion for return of the vehicle.

124. Finally, on March 11, 2021, the AUSA filed a Notice stating that it had provide a PD 81-C to the Property Clerk stating it had no objection to the return of the vehicle.

125. After six weeks Mr. Jones' mother finally got her vehicle back.

126. The District never provided notice of any kind – not even a warrant or an inventory of property taken – to either Mr. Jones or his mother or explained why the vehicle was taken or held.

Shooting victim's vehicle seized by MPD in July 2021 – still not returned

127. In early July, 2021 Mr. Smith (a pseudonym) was the victim of a shooting while sitting in his vehicle in the District.

128. He drove himself to a hospital in Maryland where he lives and sought medical care.

129. He was interviewed by detectives of the MPD but he was not able to help with the investigation.

130. He later spoke to an MPD Investigator about the incident.

131. A few days later on July 23, 2021 the MPD towed his car from the front of Mr. Smith's home in *Maryland*.

132. When Mr. Smith's counsel retained to retrieve the car asked the MPD Investigator for a copy of the warrant the MPD Investigator would only say "she had a warrant to get, and she's been looking for it."

133. The Office of Risk Management in a letter dated September 28, 2021 informed Mr. Smith in a letter to counsel retained to retrieve the vehicle that "a legal warrant was issued to seize the vehicle for forensic testing" without stating when the warrant was issued or by what jurisdiction.

134. Therefor Mr. Smith has no way of verifying whether the vehicle was in fact towed pursuant to a warrant.

135. Mr. Smith's counsel retained to retrieve the car also asked an AUSA knowledgeable about the case for the return of the vehicle but she said the District needed the vehicle in case there were a defense counsel.

136. Neither the MPD Investigator nor the AUSA has stated whether the District has searched or processed (including photographed) the vehicle.

137. The District never provided notice of any kind - not even a warrant or an inventory of property taken - or explained why the vehicle was taken or held.

138. The closest approximation of notice the District provided was that The Office of Risk Management in a letter dated September 28, 2021 informed Mr. Smith in a letter to counsel retained to retrieve the vehicle that “the vehicle was ordered to be released by the U.S. Attorney’s Office and [Mr. Smith] only had to get a “release document” from them and go and pick up his vehicle.”

139. The letter offered no clues as to how or from where Mr. Smith was to obtain the “release document.”

140. This incident illustrates the District’s practice of not providing notice at or near seizure or when the District no longer needs a vehicle. Instead, the District expects owners to keep calling about their vehicles and mobile phones until the District has some news to tell them.

The MPD does not provide notice at the time of seizure

141. The MPD does not provide any written notice, not even a property receipt, telling owners which one of the several possible grounds it is seizing the property for - investigation, evidence, or forfeiture determinations.

142. Nor do MPD officers give persons from whom it seizes vehicles for investigation or as evidence any written notice with contact information such as a working phone number or a “control or identification number” so people can call the MPD about the status and location of their vehicles and how to retrieve them.

143. The MPD virtually never provide owners whose vehicles are seized pursuant to a warrant with a copy of the warrant or a return or inventory of property taken.

144. The District's DMV (Department of Motor Vehicles) also seizes vehicles for traffic violations or for unpaid tickets.

145. As a result, owners do not know who has legal custody of their vehicles and so they cannot tell which retrieval procedure applies (because different retrieval procedures apply depending on which agency has legal custody of the vehicle).

146. Nor do the MPD provide owners with information about retrieval procedures when the District no longer needs their vehicles for investigation or as potential evidence.

147. The District has a practice of not providing notice at or near seizure or when the District no longer needs a vehicle. Instead, the District expects owners to keep calling about their vehicles and mobile phones until the District has some news to tell them about retrieving their vehicles.

148. MPD general orders require the seizing officer to complete a "PD 81," a police form describing the property and the reason for its seizure (e.g., investigation, civil forfeiture), within 24 hours of the seizure. The PD 81 is typically completed and entered into the MPD property tracking database or typed directly into the MPD property tracking database before the seizing officer completes their shift.

149. However, the MPD do not give a copy of the PD 81 to the owner or driver (if different from the owner) of the seized vehicle until discovery is provided in the criminal case -- if a prosecution is instituted at all.

150. If a criminal case is not initiated then the owner cannot access the PD 81 until discovery in the civil forfeiture case.

**Difficult and Time-Consuming for Owners to Try to Locate their Vehicles and Phones,
Determine Why They Were taken, and Figure out how to Get Them Back**

151. Owners have no effective way to get a vehicle or phone back once the MPD seizes it and classify it as “evidence” and finishes retrieving the evidentiary value from the vehicle or phone.

152. Most owners start with the police district in which the property was seized and then move on to the Property Clerk or one of the prosecuting agencies.

153. Typically the seizing officer will not provide the owner or driver with a property control number. In a classic catch 22, the Property Clerk will not state whether it has vehicles, or wide, until the owner can provide a property control number.

154. As a result of not receiving notice at seizure, owners must bounce from office to office an agency from agency trying to locate who has seized their vehicles and for what purpose.

155. Most owners get a big run-around from the station or the Property Clerk when they try to learn who has their property and why.

156. Besides not providing notice at seizure, seizing officers often provide misleading information, such as telling owners they do not have their vehicles when they in fact do, or that they will never get their property back.

157. The District has a practice of not providing notice at or near seizure or when the District no longer needs a vehicle. Instead, the District expects owners to keep calling about their vehicles and mobile phones until the District has some news to tell them about retrieving their vehicles.

There are no adequate retrieval procedures

158. There are no adequate retrieval procedures owners can use to get their vehicles back.

159. Rule 41(g) does not provide prompt, adequate post deprivation procedures remedy when it is available at all.

160. Mr. Shakur retained counsel who on December 23, 2020 filed an emergency motion for return of property in the Superior Court with the D.C. Superior Court Judge-in-Chambers.

161. The Chief Judge of the Criminal Division did nothing more than copy the U.S. Attorney's Office in his order denying the motion because

162. The owner may not bring a Rule 41(g) motion until, at the earliest, at least 20 days after a prosecution has been initiated, if a prosecution involving the vehicle is ever initiated.

163. If a prosecution has never been initiated then there is no case in which an owner can file a Rule 41(g) motion.

164. Typically however, if an owner does file a Rule 41(g) motion, the judicial officer will not entertain the motion until after ascertaining whether the District intends to forfeit the property, a process which can take months, or until the end of the criminal case.

165. It is not clear from the text of Rule 41(g) and the applicable case law whether Superior Court judicial officer can even entertain a Rule 41(g) motion until after the case is terminated, and there are no reported Superior Court or District of Columbia Court of Appeals opinions ordering the Property Clerk or prosecutor to release a vehicle before the end of a criminal prosecution.

166. Rule 41(g) is not available if a criminal prosecution involving the vehicle is never instituted because the case is "no papered," that is, the prosecution declines to initiate a case.

167. Moreover, judicial officers in both the District Court and the Superior Court have a practice of not entertaining Rule 41(g) motions until they ascertain whether the District intends to institute civil forfeiture proceedings against the vehicle.

SUBSTANTIVE ALLEGATIONS

Claim One

Violation of the Fourth Amendment Protection against Unreasonable Retention Pursuant to 42 U.S.C. § 1983

168. The Fourth Amendment prohibits “unreasonable searches and seizures of property by the government.”

169. A seizure that is lawful at its inception may nevertheless violate the Fourth Amendment if the manner of its execution or its duration unreasonably infringes the possessory interests protected by the Fourth Amendment.

170. Even if seizing and retaining vehicles and mobile phones to search them and to process them for evidence after they were classified as “evidence” or for investigation by the MPD were constitutional, the seizures became unreasonable under the 4th Amendment after the vehicles and mobile phones were searched and were processed for any evidentiary value they might have and photographed or after a reasonable amount of time to do so had passed because there was no probable cause to continue to hold them after all items of evidentiary value had been extracted.

171. **EXPLICIT POLICY.** The District’s official policy is to hold vehicles and mobile phones which come into the custody of the District in connection with criminal investigations until the related criminal case (including appeals) is over, or “[i]f no criminal judicial proceeding has been initiated, the material shall be preserved for a period of three years from the date such material was first obtained.” DCMR § 804.3; MPD General Order 601.2 “Preservation of Potentially Discoverable Material” (Feb. 3, 2004).

172. Additionally, the District and the MPD treat the Property Clerk statute as though it allows the District to keep all vehicles and mobile phones seized in connection with criminal investigations for up to a year.

173. **CUSTOM.** The District had and has a custom of seizing vehicles and mobile phones for use in criminal investigations and then holding them for weeks, months and years, or never gave them back even when they were no longer needed as potential evidence because they had no evidentiary value or because the District through its prosecutors and police force had retrieved all the evidentiary valuable in the vehicles or they had had a reasonable amount of time in which to do so.

174. The District knew or should have known or must have known about this custom yet still took no steps to remedy the problem and in fact acquiesced in the custom.

175. The MPD implements the District's policies and laws authorizing seizure of vehicles and mobile phones in connection with criminal investigations without regard to the owners' rights to the prompt return of their property so that the MPD simply delays all review of seizures and processing of vehicles and mobile phones for "potential evidence" until the system, in its sweet time, and with the resources it chooses, is ready to make decisions about returning people's vehicles (and any property in them) and mobile phones.

176. **DELIBERATE INDIFFERENCE.** The District failed to respond to the need, of which it had actual or constructive notice, for policies and actions that would prevent it from seizing vehicles and mobile phones for use in criminal investigations and then holding them for weeks, months and years, or never giving them back even when they were no longer needed as potential evidence because they had no evidentiary value or because the District through its prosecutors and police force had retrieved all the evidentiary valuable in the vehicles or they had had a reasonable amount of time in which to do so.

177. The District's policies, customs, and deliberate indifference, as described above, directly, proximately, and affirmatively were the moving force behind the violations of Ms. Parrott's and the other class members' rights described herein.

178. As a direct and proximate result of this violation Ms. Parrott and the other class members suffered general and special damages including deprivation of constitutional rights, confinement, associated harm, and emotional distress.

Claim Two

Fifth Amendment Procedural Due Process Claim for failure to provide notice at seizure

179. Ms. Parrott re-alleges all foregoing paragraphs, as well as any subsequent paragraphs contained in the complaint, as if fully set forth herein.

180. This claim for notice is separate and independent from the claim for notice derived from the claim for prompt post seizure hearings.

181. The District deprived Ms. Parrott and the other class members of their property when it seized their vehicles and their mobile phones for use in criminal investigations.

182. The District never gave Ms. Parrott or any of the other class members individualized notice at or near the time of seizure of the vehicles with information about which agency was seizing their vehicles (Mayor for civil forfeiture or Property Clerk as evidence) which agency had legal custody of their vehicles (District or Property Clerk) and for which purpose (as potential evidence or for civil forfeiture), and which retrieval procedures applied, and what those retrieval procedures were.

183. This pattern and policy of the District violated their procedural due process rights under the Fifth Amendment to the United States Constitution.

184. Alternatively, the due process clause of the Fifth Amendment required the District to have a policy of providing the notice described in this claim but the District had no such policy requiring such notice and the failure to establish a policy to provide such notice was the cause the violation of the constitutional rights of Ms. Parrott and the other class members.

185. Ms. Parrott and the other class members were injured thereby and suffered damages as described herein.

Claim Three

Fifth Amendment Procedural Due Process Claim for failure to provide prompt post seizure hearings and notice of the hearings

186. Ms. Parrott re-alleges all foregoing paragraphs, as well as any subsequent paragraphs contained in the complaint, as if fully set forth herein.

187. The District seized Ms. Parrott's and the other class members' vehicles and mobile phones for use in criminal investigations as potential evidence and held them for months and years or never gave them back even when they were no longer needed as potential evidence because they had no evidentiary value or because the District through its prosecutors and police force had retrieved all the evidentiary valuable in the vehicles or they had had a reasonable amount of time in which to do so.

188. The District never gave them prompt post seizure hearings at which they could challenge the seizure or the retention of their vehicles in violation of their procedural due process rights under the Fifth Amendment to the United States Constitution.

189. Nor did the District ever give them notice of such prompt post seizure hearings in violation of their procedural due process rights under the Fifth Amendment to the United States Constitution.

190. It is the pattern, policy, and practice of the District to seize and to retain indefinitely property and in some cases to keep such vehicles without providing prompt post-seizure hearings at which owners can challenge the District's seizure and continued retention of their vehicles and without notice of the required hearings.

191. Alternatively, the due process clause of the Fifth Amendment required the District to provide prompt post seizure hearings and the notice for them but the District had no such policy requiring such prompt post seizure hearings and notice and the failure to establish a policy to provide such hearings notice was the cause the violation of the constitutional rights of Ms. Parrott and the other class members.

192. Alternatively the District's laws authorizing the seizure and retention of vehicles and mobile phones to recover "potential evidence" from them is unconstitutional because it lacks a provision for prompt post seizure hearings because the District bears the burden of providing the prompt post seizure hearings and justifying the retention past the time needed to process the property for "potential evidence."

193. Ms. Parrott and the other class members were injured thereby and suffered damages as described herein.

Claim Four

Right to Return of Property when no longer needed by the District

194. Ms. Parrott re-alleges all foregoing paragraphs, as well as any subsequent paragraphs contained in the complaint, as if fully set forth herein.

195. The District seized Ms. Parrott's and the other class members' vehicles and mobile phones for use in criminal investigations and held them for months and years or never gave them back even when they were no longer needed as potential evidence because they had no evidentiary value

or because the District through its agents had retrieved all the potential evidence in the vehicles and the mobile phones or they had had a reasonable amount of time in which to do so.

196. This case actually involves two deprivations: the first being the initial seizure of the property and the second being the District's subsequent and continued refusal to surrender the property when it was no longer needed as evidence or the practice and policy of forcing owners to file motions for the return of property to get their property back.

197. Continuing to hold the vehicles and mobile phones and other property after it was no longer needed as evidence constituted a second seizure under the Due Process clause of the Fifth Amendment.

198. A second deprivation occurred requiring a new due process analysis when defendants, with no legal grounds, refused to return plaintiff's property or forced claimants to file a motion for return of property.

199. Requiring the claimants to file Rule 41(g) motions or file claims before the Property Clerk when the District has no need for the property violates the claimant's due process rights.

200. The District never gave them prompt post seizure hearings at which they could challenge the seizure or the retention of their vehicles in violation of their procedural due process rights under the Fifth Amendment to the United States Constitution.

201. It is the pattern, policy, and practice of the District to seize and retain indefinitely property and in some cases keep such vehicles without providing prompt post-seizure hearings at which owners can challenge the District's seizure and continued retention of their vehicles and without notice of the required hearings.

202. It is the pattern, policy, and practice of the District to seize and to retain indefinitely property and in some cases to keep such vehicles without providing prompt post-seizure hearings

at which owners can challenge the District's seizure and continued retention of their vehicles and without notice of the required hearings.

203. Alternatively, the due process clause of the Fifth Amendment required the District to provide prompt post seizure hearings and the notice for them but the District had no such policy requiring such prompt post seizure hearings and notice and the failure to establish a policy to provide such hearings notice was the cause the violation of the constitutional rights of Ms. Parrott and the other class members.

204. The District was deliberately indifferent to the rights of owners by failing to provide such hearings.

205. Ms. Parrott and the other class members were injured thereby and suffered damages as described herein.

Claim Five

Keeping Ms. Parrott's vehicles and mobile phones constituted a "taking" of Personal Property

206. Claim Five alleges an unlawful taking under the Fifth Amendment.

207. The Takings Clause of the Fifth Amendment provides that "private property [shall not] be taken for public use, without just compensation." U.S. Const. Amend. V.

208. Ms. Parrott and the other class members possessed a property interest that is constitutionally protected in their vehicles and mobile phones and the District deprived them of that interest by keeping their vehicles and mobile phones past the time needed to search, photograph and process and extract the evidentiary value from them.

209. The MPD took Ms. Parrott's vehicles and cell phones and other property for a public purpose when it seized the property.

210. Taking the property to extract the evidentiary value from it was for a public use.

211. Alternatively, the MPD “took” Ms. Parrott’s vehicles and cell phones and other property when it continued to detain the property after the District had extracted the evidentiary value from the property or after passage of the time needed to extract the evidentiary value from the property.

212. The District has not paid Ms. Parrott just compensation.

213. The District never obtained title to the vehicles using the civil forfeiture procedure.

214. The District seized and kept vehicles pursuant to the District’s policy of keeping such property until any case were over or - if no case were filed - for three years.

215. The District seized and kept vehicles pursuant to a custom of which the District was or should have been or must have been aware and in fact acquiesced in the takings and the failure to remedy the custom was the moving force of the takings.

216. The District was deliberately indifferent to the rights of owners by instituting the takings without providing compensation when the policymakers such as the Chief was aware of the problem.

217. Ms. Parrott and the other class members were injured thereby and suffered damages as described herein.

Claim Six

Common Law Wrongful Detention of Personal Property

218. The common law prohibits unlawful detention of property even if the original seizure of the property were lawful.

219. Each owner satisfied D.C. Code § 12-309 because the District documented the details of each seizure and wrongful detention in numerous “police reports.”

220. Where public officials "unlawfully seize or hold a citizen's realty or chattels, recoverable by appropriate action at law or in equity . . . ," the true owner may "bring his possessory action to reclaim that which is wrongfully withheld."

221. The tort applies when a tortfeasor has converted a chattel that has come back to the owner's possession, either through self-help, judicial proceedings or otherwise, and when the conduct that deprived the owner of the use of a chattel was not a conversion.

222. Detaining Ms. Parrott's and the other class members' vehicles and mobile phones constituted unlawful detention of their property.

223. The District is liable under the doctrine of *respondeat superior* for the intentional torts of its employees and others acting on its behalf in seizing and wrongfully detaining the property.

224. The owner of the subject matter is entitled to recover as damages for the loss of the value of the use, at least the rental value of the chattel or land during the period of deprivation. This is true even though the owner in fact has suffered no harm through the deprivation, as when he was not using the subject matter at the time or had a substitute that he used without additional expense to him.

225. Ms. Parrott and the other class members were injured by the wrongful detentions and suffered damages as described herein.

CLASS ACTION ALLEGATIONS

Class Allegations for Each Class

226. Ms. Parrott as Named Plaintiff asks the Court to certify under Rules 23(a) and 23(b)(2) and (b) (3) the separate classes defined below on their own behalf and on behalf of the classes defined below injured (or presently subject to injury) by the policy and practices and customs of the District described herein.

Claim One: Fourth Amendment class.

227. Ms. Parrott brings this action under Rules 23(a) and 23(b) (2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person: (1) from whom the District seized vehicles or mobile phones during the period from three years before the date of filing of the original complaint in this case to the termination of this action; (2) for use in criminal investigations; and (3) held the vehicles or mobile phones for more than thirty days.

Claim Two: No notice class.

228. Ms. Parrott brings this action under Rules 23(a) and 23(b) (2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person (1) from whom the District seized property during the period from three years before the date of filing of the original complaint in this case to the termination of this action; (2) for use in criminal investigations; and (3) without giving him or her at the time of seizure individualized written notice of seizure of property, an inventory of the property, and individualized notice of procedures for the return of the property.

Claim Three: No prompt post seizure hearings class.

229. Ms. Parrott brings this action under Rules 23(a) and 23(b) (2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person (1) whose property from three years before the filing of the initial complaint until the termination of this case has been, or will be, (2) seized by the District of Columbia for use in criminal investigations; and (3) given into the custody of the District and to (4) to whom the District did not provide a prompt post-seizure hearing before a neutral arbiter at which such person could test the validity of the seizure and the validity of the continued or continuing government retention of the property pending any forfeiture

determination or investigative or evidentiary holds or for any other reason; (5) within 30 days of the date of the seizure.

Claim Four: Right to return class.

230. Ms. Parrott brings this action under Rules 23(a) and 23(b) (2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person (1) from whom the District seized property during the period from three years before the date of filing of the original complaint in this case to the termination of this action; (2) for use in criminal investigations; and (3) failed to return it to him or her; (3) without giving him or her individualized notice; (4) within 30 days of the date of the seizure.

Claim Five: Takings class.

231. Ms. Parrott brings this action under Rules 23(a) and 23(b) (2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person (1) from whom the District seized property during the period from three years before the date of filing of the original complaint in this case to the termination of this action; (2) for use in criminal investigations; and (2) failed to return it to him or her; (3) without giving him or her compensation; (4) within 30 days of the date of the seizure.

Claim Six: Wrongful detention class.

232. Ms. Parrott brings this action under Rules 23(a) and 23(b) (2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person: (1) from whom the District seized property during the period from three years before the date of filing of the original complaint in this case to the termination of this action; (2) for use in criminal investigations; and (2) failed to return it to him or her; (3) without giving him or her individualized notice; (4) within 30 days of the date of the seizure.

Class Allegations Applicable To All Classes

233. Certification of a class under Federal Rule of Civil Procedure 23(b)(2) is appropriate, because defendant had a policy and engaged in a pattern and practice of conduct that has uniformly affected all members of the class and declaratory relief against Defendant will benefit each and every plaintiff and class member.

234. The classes are entitled to declaratory relief.

235. Certification of classes under Federal Rule of Civil Procedure 23(b)(3) is also appropriate, in that common questions of law and fact predominate over any individual questions, and a class action is superior for the fair and efficient adjudication of this controversy as detailed below.

236. Regarding the Named Plaintiff, and members of the classes, there are no individual questions on the issue of liability.

237. Each class is so numerous that joinder of all members is impracticable. The exact number of class members is unknown to plaintiffs at this time, but, based on MPD disclosures, documents, and representations to this Court in other cases, is likely to consist of at least over 100 people for each class.

238. The Named Plaintiff's claims are typical of the claims of the other members of the class, because the Named Plaintiff and all other members of each class to which they belong were injured by exactly the same means.

239. The Named Plaintiff will fairly and adequately protect the interests of the members of each class to which they belong and has retained counsel who are competent and experienced in complex federal civil rights class action litigation.

240. The Named Plaintiff has no interests that are contrary to or in conflict with those of each class to which they belong.

241. The Named Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a class action, and the class action is superior to any other available means to resolve the issues raised on behalf of the Classes. The class action will be manageable because so many different records systems exist from which to ascertain the members of the putative class such as the MPD's arrest database and the District's property database EvidenceOnQue and paper records.

242. Defendant District of Columbia has within its computerized records (the MPD's booking databases; and Evidence on Cue, the database in place at property division since 2009) and paper records the names and addresses of all the current and past class members.

243. Class treatment will be superior because liability can be determined for each Named plaintiff and each class member on a class wide basis either as a matter of law or by using data from the police reports as supplemented by the District's computerized databases.

244. Actual damages can also be determined on a class wide basis through use of expert testimony and the District's own valuations of similar vehicles.

245. General damages can be ascertained on a class-wide basis,

RELIEF DEMANDED

Each Named Plaintiff respectfully requests that this Court grant them and the classes they represent the following relief:

- A.** Enter a judgment in favor of Ms. Parrott and the class described herein;
- B.** Enter injunctive relief in the form of an order compelling the District to provide notice at seizure and by mail to each owner whose vehicle or mobile phone the District seizes in connection with a criminal investigation spelling out the retrieval procedures.
- C.** Enter injunctive relief in the form of an order compelling the District to provide prompt post seizure hearings to each person whose vehicle or mobile phone the District seizes in connection with a criminal investigation and holds more than five business days.
- D.** Enter such other judgments for injunctive relief as this Court deems just and proper.
- E.** Enter a declaratory judgment declaring the District's implementation of its policies for seizing vehicles is potential evidence is unconstitutional because the District did not provide prompt post seizure hearings at which owners could challenge the validity of the seizure and retention of their money cars or compensation.
- F.** Enter such other declaratory judgments as this Court deems just and proper.

- G.** Enter a judgment awarding the Named Plaintiff and class members damages including the amounts the value of the loss of access to their vehicles and mobile phones and the loss of the vehicles and mobile phones and upkeep of the vehicles and mobile phones during seizure, and other damages including prejudgment interest, and compensatory damages for any injury attributable to loss of their property and loss of their property's use and damages for the value of their time devoted to its retrieval and other damages, and attorney fees; as well as equitable and declaratory relief.
- H.** Enter a judgment awarding plaintiffs attorneys' fees and costs incurred in bringing this action under 42 U.S.C. § 1988; and
- I.** Grant such other relief as this Court deems just and proper.

<p>Respectfully submitted,</p> <p><u>/s/ William Claiborne</u> WILLIAM CLAIBORNE D.C. Bar # 446579</p> <p>Counsel for Named Plaintiff and the Classes</p> <p>717 D Street, NW Suite # 300 Washington, DC 20004 Phone 202/824-0700 Email claibornelaw@gmail.com</p>	
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JURY DEMAND

Plaintiffs demand a jury of six as to all claims so triable.

/s/William Claiborne

WILLIAM CLAIBORNE

D.C. Bar # 446579

Counsel for Plaintiff and the Classes

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Alleges D.C. Government Has Yet to Return Cell Phones Seized Years Ago As Part of Murder Investigation](#)
