

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

AARON RAYMOND BABBITT, Personal Representative :  
of the Estate of Ashli Elizabeth Babbitt :  
4849 Cape May Avenue :  
San Diego, California 92107 :

Plaintiff, :

v. :

Civil Action No.:

DISTRICT OF COLUMBIA :  
John A. Wilson Building :  
1350 Pennsylvania Avenue, N.W. :  
Washington, D.C. 20004 :

Defendant, :

**COMPLAINT**

Aaron Raymond Babbitt, Personal Representative of the Estate of Ashli Elizabeth Babbitt, plaintiff, by and through his undersigned counsel, brings this action to compel compliance with the District of Columbia Freedom of Information Act, D.C. Code Sec. 2-531, and for grounds alleges:

**JURISDICTION AND VENUE**

1. This court has jurisdiction over the subject matter and persons of this action pursuant to the D. C. Code Sec. 11-921.

**PARTIES**

2. Plaintiff is the foreign personal representative of the Estate of Ashli Elizabeth Babbitt. The decedent was shot and killed on January 6, 2021, at the United States Capitol. She was killed by a United States Capitol police officer inside the Capitol. The Metropolitan Police Department of the District of Columbia investigated the shooting. Its investigation assisted the United States Attorney of the District of Columbia, who investigated possible civil rights

violations of law. The United States Attorney completed its investigation and decided against bringing criminal charges. There is no other criminal prosecution or criminal investigation pending.

3. The defendant District of Columbia has possession, custody, and control of records which plaintiff seeks access. Defendant is headquartered at John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

### **STATEMENT OF FACTS**

4. On April 21, 2021, Plaintiff submitted a FOIA request to the Metropolitan Police Department of the District of Columbia, a public body within the District, seeking access to:

- a. video footage of the incident;
- b. statements of witnesses to include recorded and/or written statements of witnesses, as well as notes and summaries of what the witnesses said;
- c. reports of the investigation of the incident.
- d. documents that identify the officer or person who shot Ashli Babbitt in the incident;
- e. statements of the officer who shot Ashli Babbitt, including recorded and/or written statements, as well as notes and summaries of what the officer said regarding the shooting and the reasons he discharged his weapon;
- f. police radio communications among or between members of the United States Capitol Police between the time of 12 noon through 3:30 p.m. on January 6, 2021, at the United States Capitol;
- g. audio recordings of communications by members of the United States Capitol Police concerning or relating to the circumstances leading up to the incident, the incident itself, and the aftermath.
- h. reports and documents (including video footage) reviewed as part of IAD's investigation of the incident.
- i. photographs of the location of the incident, the shooter, and Ashli Babbitt;
- j. police training records of the shooting officer reviewed as part of the investigation of the incident;
- k. the General Orders and regulations regarding the use of force applicable to the shooting officer at the time of the incident; and
- l. recommendations for or against bringing criminal charges against the officer involved in the shooting.

5. On the same day, MPD acknowledged receipt of the request and advised Plaintiff had been assigned the following case number: 2021-FOIA-04618.

6. As of the date of this Complaint, MD has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records they intend to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

7. As of this date, MPD has failed to comply with FOIA.

**COUNT 1**  
**(Violation of FOIA)**

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.

9. Defendant is in violation of DC FOIA.

10. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

11. MPD was required to either make the requested public records accessible or notify Plaintiff of its determinations not to make the requested public records or any part thereof accessible and the reasons for any withholdings within 15 business days or by May 12, 2021. D.C. Code § 2-532(c)(1).

12. The Mayor was required to make a determination concerning Plaintiff's administrative appeal within 10 Business days or by May 5, 2021. D.C. Code § 2-537(a).

13. Because Defendant has failed to make final determinations on Plaintiff's FOIA request and administrative appeal within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies. D.C. Code § 2-537(a)(1).

14. This case has issue in common with a closely parallel FOIA action filed by Judicial Watch, Inc. against the District of Columbia now pending in this Court.

**WHEREFORE**, Plaintiff respectfully requests that the Court: (i) order Defendant to conduct searches for any and all records responsive to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the requests; (ii) order Defendant to produce, by a date certain, any and all non-exempt records responsive to the Plaintiff's FOIA requests and *Vaughan* indices of any responsive records withheld under claim of exemption; (iii) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the FOIA requests; (iv) grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to DC Code Sec. 2-537 (c); (v) consolidate this action with the FOIA action filed by Judicial Watch, Inc.; and (vi) and grant Plaintiff such relief as the Court deems just and proper.

Respectfully submitted,

/s/ Terrell N. Roberts, III  
Terrell N. Roberts, III (D.C. Bar No. 965830)  
ROBERTS & WOOD  
*Attorney for Plaintiff*  
6801 Kenilworth Avenue  
Berkshire Building, Suite 202  
Riverdale, Maryland 20737  
(301) 699-0764  
(301) 699-8706 Fax  
troberts@robertsandwood.com

# Superior Court of the District of Columbia

## CIVIL DIVISION- CIVIL ACTIONS BRANCH INFORMATION SHEET

Aaron Raymond Babitt \_\_\_\_\_ Case Number: \_\_\_\_\_

vs Date: June 1, 2021

District of Columbia \_\_\_\_\_  One of the defendants is being sued  
in their official capacity.

Name: <i>(Please Print)</i> Terrell N. Roberts, III	Relationship to Lawsuit
Firm Name: Roberts & Wood	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: (301) 699-0764      Six digit Unified Bar No.: 965830	<input type="checkbox"/> Self (Pro Se)
	<input type="checkbox"/> Other: _____

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

PENDING CASE(S) RELATED TO THE ACTION BEING FILED  
Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_  
Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar#: \_\_\_\_\_

NATURE OF SUIT: <i>(Check One Box Only)</i>		
<b>A. CONTRACTS</b>	<b>COLLECTION CASES</b>	
<input type="checkbox"/> 01 Breach of Contract	<input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent	<input type="checkbox"/> 16 Under \$25,000 Consent Denied
<input type="checkbox"/> 02 Breach of Warranty	<input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent	<input type="checkbox"/> 18 OVER \$25,000 Consent Denied
<input type="checkbox"/> 06 Negotiable Instrument	<input type="checkbox"/> 27 Insurance/Subrogation	<input type="checkbox"/> 26 Insurance/Subrogation
<input type="checkbox"/> 07 Personal Property	Over \$25,000 Pltf. Grants Consent	Over \$25,000 Consent Denied
<input type="checkbox"/> 13 Employment Discrimination	<input type="checkbox"/> 07 Insurance/Subrogation	<input type="checkbox"/> 34 Insurance/Subrogation
<input type="checkbox"/> 15 Special Education Fees	Under \$25,000 Pltf. Grants Consent	Under \$25,000 Consent Denied
	<input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only)	
<b>B. PROPERTY TORTS</b>		
<input type="checkbox"/> 01 Automobile	<input type="checkbox"/> 03 Destruction of Private Property	<input type="checkbox"/> 05 Trespass
<input type="checkbox"/> 02 Conversion	<input type="checkbox"/> 04 Property Damage	
<input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a)		
<b>C. PERSONAL TORTS</b>		
<input type="checkbox"/> 01 Abuse of Process	<input type="checkbox"/> 10 Invasion of Privacy	<input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice)
<input type="checkbox"/> 02 Alienation of Affection	<input type="checkbox"/> 11 Libel and Slander	<input type="checkbox"/> 18 Wrongful Death (Not Malpractice)
<input type="checkbox"/> 03 Assault and Battery	<input type="checkbox"/> 12 Malicious Interference	<input type="checkbox"/> 19 Wrongful Eviction
<input type="checkbox"/> 04 Automobile- Personal Injury	<input type="checkbox"/> 13 Malicious Prosecution	<input type="checkbox"/> 20 Friendly Suit
<input type="checkbox"/> 05 Deceit (Misrepresentation)	<input type="checkbox"/> 14 Malpractice Legal	<input type="checkbox"/> 21 Asbestos
<input type="checkbox"/> 06 False Accusation	<input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death)	<input type="checkbox"/> 22 Toxic/Mass Torts
<input type="checkbox"/> 07 False Arrest	<input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice)	<input type="checkbox"/> 23 Tobacco
<input type="checkbox"/> 08 Fraud		<input type="checkbox"/> 24 Lead Paint

SEE REVERSE SIDE AND CHECK HERE IF USED

# Information Sheet, Continued

## C. OTHERS

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

## II.

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

## D. REAL PROPERTY

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

*/s/ Terrell N. Roberts, III*

June 1, 2021

Attorney's Signature

Date



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

Aaron Raymond Babbitt

Plaintiff

vs.

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

District of Columbia

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 one (21) 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 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 seven (7) 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.

Terrell N. Roberts, III

*Clerk of the Court*

Name of Plaintiff's Attorney

6801 Kenilworth Avenue, Suite 202

Address

Riverdale, Maryland 20737

(301) 699-0764

Telephone

By \_\_\_\_\_

Deputy Clerk

Date \_\_\_\_\_

如需翻译, 请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

Đề có một bản dịch, hãy gọi (202) 879-4828

법석을 원하 시면, (202) 879-4828 로 전화주세요. የአግርኛ 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

Vea al dorso la traducción al español