24-CV-0300

DISTRICT OF COLUMBIA COURT OF APPEALS

ELIZABETH LITTELL

Appellant,

v.

DISTRICT OF COLUMBIA

Appellee.

APPEAL FROM THE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA,
Civil Division No. 2021-CA-004093-B (*Hon. Dayana A. Dayson, Judge)*

BRIEF OF APPELLANT

Respectfully submitted,

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II. FINALITY STATEMENT

This matter arises from an Order in the Superior Court of the District of Columbia. That Order, which was dated March 1, 2024, granted the District of Columbia's Motion for Summary Judgment on Count I and IV of Elizabeth Littell's Complaint, entered judgment in favor of the District of Columbia, and disposes of all parties' claims.

III. STATEMENT OF ISSUES

1. Whether sufficient evidence exists to raise a genuine dispute as to whether the District of Columbia is responsible for maintaining the sidewalk on which Elizabeth Littell fell.
2. Whether the trial court erred, as matter of law, in finding 24 D.C.MR. § 1105.9 relieves the District of Columbia of its duty to maintain non-standard materials located on public sidewalks in the District of Columbia.

IV. STATEMENT OF THE CASE

This premises liability action arises out of a fall that occurred on a public sidewalk in the District of Columbia. On November 9, 2018, at 12:00 p.m., there was a lip, more than one inch high, between two blocks located on the sidewalk

outside 810 7th Street NW, Washington, D.C. 20001. There were no warning signs of the lip located on the public sidewalk.

On that date, Elizabeth Littell, a pedestrian, was walking on the public sidewalk. Ms. Littell's foot hit the lip and caused her to trip and fall. As a result of the fall, Ms. Littell sustained injuries, including a fractured tibia that required surgical repair.

On November 5, 2021, Ms. Littell filed her Complaint, asserting claims for negligence, vicarious liability, negligence *per se*, and negligent hiring, training, and supervision against the District of Columbia.[1]

On September 18, 2023, the District of Columbia filed a Motion for Summary Judgment contending that Ms. Littell did not provide sufficient evidence to establish that the District of Columbia was responsible for the maintenance or repair of the condition that caused Ms. Littell's fall and injuries.

On March 1, 2024, the Superior Court for the District of Columbia granted the District of Columbia's Motion of Summary Judgment. Order Granting Defs. Mot. Summ. J. (A28).

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[1] The matter proceeded on Ms. Littell's negligence, vicarious liability, and negligent hiring, training, and supervision claims following dismissal of Ms. Littlell's negligence *per se* claim. Order Denying in Part and Granting in Part District of Columbia's Mot. to Dismiss (A20).

V. STATEMENT OF FACTS

The District of Columbia owns public sidewalks within the District of Columbia. Aff. of 810 Seventh Avenue SPE, LLC (A86). The District of Columbia, through its subordinate agency, the District Department of Transportation (hereinafter "DDOT") is responsible for the inspection, maintenance, and repair of public sidewalks. Id.

The predominant paving material in the area where Ms. Littell fell is red brick. 24 D.C.MR. § 1105.5-6. In this case, the defective condition consisted of a lip located between two cracked granite pavers on the public sidewalk. The granite pavers are considered non-standard paving material as they differ from the from the standard red brick paving material that predominate the area. In instances where non-standard paving materials exist, D.C. Municipal Regulations mandate that the adjacent property owner is responsible for the maintenance of the non-standard paving material. 24 D.C.MR. § 1105.9.

While the D.C. Municipal Regulations generally prescribe that adjacent property owners are responsible for maintenance of non-standard paving material, a legal document, titled a "covenant of maintenance," is created by the District of Columbia to serve as the legal authority that binds property owners to maintain material located in the District of Columbia's public space. Holub Dep. 58:15-

59:16 (A70). The covenant of maintenance specifically defines all of the terms of what the property owner is required to do to maintain the material. Id. The District of Columbia's purpose for creating this agreement is to ensure *the government can hold private entities responsible* for maintenance of material placed in the District of Columbia's public space and the space is safe for users. Id. Neither the D.C. Municipal Regulations nor the covenant of maintenance designate ownership of the non-standard paving materials to the adjacent property owners. As such, the District of Columbia ownership of public sidewalks, as well as any non-standard paving materials that may exist thereon, remains with the District of Columbia at all times.

The adjacent property owner, 810 Seventh Avenue SPE, LLC (hereinafter "the adjacent property owner"), does not own the public sidewalk located in front of the 810 7th Street NW Washington, D.C. 20001. Aff. of 810 Seventh Avenue SPE, LLC (A86). There is no covenant of maintenance between the District of Columbia and 810 Seventh Avenue SPE, LLC, regarding the maintenance of non-standard material located in the public space. Id. The record does not include evidence of any agreement, written or otherwise, that establishes or imposes the responsibility to maintain the sidewalk or any paving material located in front of 810 7th Street on 810 Seventh Avenue SPE, LLC. Id. There is no evidence that the District of Columbia has ever advised 810 Seventh Avenue SPE, LLC that it was

responsible for the maintenance of the sidewalk or any material located in front of 810 7th Street NW. Id.

During discovery, the adjacent property owner produced a signed affidavit affirming that the District of Columbia owned the sidewalk located in front of 810 7th Street NW, including the entrance of the commercial building where Ms. Littell fell. The adjacent property owner further declared that the District of Columbia is responsible for the maintenance of the public sidewalk located in front of 810 7th Street NW. Id.

VI. SUMMARY OF THE ARGUMENT

Ms. Littell presented sufficient evidence to raise a material dispute as to whether the District of Columbia is responsible for maintaining the hazard which caused her injuries. As a result, the District of Columbia's Motion for Summary Judgment should have been denied and the Trial Court's granting the District of Columbia's Motion for Summary Judgment constituted error.

The Trial Court record contains several undisputed material facts that establish the District of Columbia's responsibility to maintain the hazard that caused Ms. Littell's injuries. At minimum, the facts are sufficient to create a material dispute as to the District of Columbia's responsibility and liability in tort. First, the District of Columbia is the owner of the public sidewalk where the hazard existed. The adjacent property owner does not own the public sidewalk located in

front of the commercial property located at 810 7th Street NW. Aff. of 810 Seventh Avenue SPE, LLC (A86). Second, there is no agreement between the District of Columbia and the adjacent property owner that imposes the responsibility to maintain the portion of the public sidewalk where the hazard existed on the adjacent property owner. Id.; see also Cummings Dep. 16:12-16 (A46). Third, the adjacent property owner produced a sworn affidavit declaring that the District of Columbia is responsible for the maintenance of the portion of the public sidewalk where the hazard existed. Aff. of 810 Seventh Avenue SPE, LLC (A85-87). Fourth, the District of Columbia repairs and maintains the public sidewalk located at 810 7th Street NW, including the portion of the public sidewalk where the hazardous condition existed. Pls. Ex. 8 (A37-41).

Further, the municipal regulation, 24 D.C.MR. § 1105.9, constitutes a legislative attempt by the District of Columbia to shift the burden to maintain public sidewalks, a duty which is incumbent on the District of Columbia to bear, on private parties. As a result, 24 D.C.MR. § 1105.9 does not relieve the District of Columbia of the primary duty with respect to the safety of its public sidewalks. *Assuming arguendo,* 24 D.C.MR. § 1105.9 is a legitimate effort to shift the burden of maintaining certain public sidewalks to private persons, it is not self-executing. The District of Columbia government must, at minimum, notify the private person of their obligations. To hold otherwise would impose a duty on a private entity

who had no reason to know of this duty. The District of Columbia by creation of the covenant of maintenance recognizes this fact. By choosing not to execute the covenant of maintenance with the adjacent property owner in this case, the District of Columbia chose to be responsible for the maintenance of the sidewalk on which Ms. Littell fell.

VII. ARGUMENT

A. Standard of Review

Summary judgment may be granted only if the record shows that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Super. Ct. Civ. R. 56(c). *Mamo v. Skvirsky,* 960 A.2d 595 (D.C. 2008). The Court of Appeals reviews *de novo* the trial court's grant of summary judgment. *Briscoe v. District of Columbia*, 62 A.3d 1275, 1278 (D.C. 2013). The Court of Appeals' standard of review is "the same as the trial court's standard for initially considering a party's motion for summary judgment; that is, summary judgment is proper if there is no issue of material fact and the record shows that the moving party is entitled to judgment as a matter of law." *Id.* (quoting *Clampitt v. American University*, 957 A.2d 23, 28 (D.C. 2008)). In reviewing a grant of summary judgment, the Court of Appeals must undertake an independent review of the record to determine whether genuine issues of material fact are in dispute and whether the movant is entitled to judgment as matter of law.

In so doing, the Court views the record in the light most favorable to the nonmoving party, resolving any doubt as to the existence of disputed facts against the movant. *Young v. Delaney*, 647 A.2d 784 (D.C. 1994). The moving party has the burden to establish that there is no genuine issue of material fact and that it is entitled to judgment as a matter of law. *See Osbourne v. Capital City Mortgage Corp.*, 667 A.2d 1321, 1324 (D.C. 1995). Once the moving party has carried its initial burden, the opposition to summary judgment must consist of more than conclusory allegations, and must be supported by affidavits or other competent evidence tending to prove disputed material issues of fact. Super. Ct. Civ. R. 56; *Hamilton v. Howard University*, 960 A.2d 308 (D.C. 2008). The Court of Appeals cannot, nor can the trial court, resolve issues of fact or weigh evidence at the summary judgment stage. *Barrett v. Covington & Burling LLP*, 979 A.2d 1239 (D.C. 2009).

B. The Trial Court Erroneously Granted the District of Columbia's Motion for Summary Judgment.

1. Ms. Littell Raised a Material Dispute as to Whether the District of Columbia is Responsible for Maintaining the Hazard which Caused Ms. Littell's Injuries.

The first question for this Court is whether the record contains sufficient evidence to create a material dispute at to whether the District of Columbia is responsible for maintaining the hazard which caused Ms. Littell's injuries. The

District of Columbia owes to pedestrians a duty of keeping the sidewalks in a reasonably safe condition. *District of Columbia v. Nordstrom*, 327 F.2d 863 (D.C. Cir. 1963); *Lyons v. District of Columbia*, 214 F.2d 203 (D.C. Cir. 1954); *Way v. Efdimis*, 85 F.2d 258 (D.C. Cir. 1936); *Howes v. District of Columbia*, 2 App. D.C. 188 (D.C. Cir. 1894). The District of Columbia's liability for injuries arising from its agents' maintenance of public walkways is well-established:

> And it is held by express and repeated decisions of the Supreme Court of the United States, that the municipal corporation of this District is liable for injuries to persons arising from the negligence of its officers and agents in constructing and maintaining in safe condition, for the use of the public, the streets, avenues, alleys, public roads and bridges, and all public sidewalks of the city of Washington and of the District of Columbia.

District of Columbia v. Sullivan, 11 App. D.C. 533, 540 (D.C. Cir. 1897) (citing *Barnes* v. *District of Columbia*, 91 U.S. 540 (1875); *District of Columbia* v. *Woodbury*, 136 U.S. 450 (1890)).

In this matter, all of the evidence contained in the Trial Court record establishes the District of Columbia as the entity responsible for the maintenance of the hazard that caused Ms. Littell's injuries. In fact, the Trial Court's ruling in its March 1, 2024, Order is based solely on municipal regulations. The Trial Court does not address in any way the evidence in this case. The Trial Court's Order

further contravenes the well-established law regarding the District of Columbia's liability for injuries arising out of the maintenance of its public sidewalks.

The record evidence establishes that the hazard existed in a public sidewalk owned by the District of Columbia. As owner of the public sidewalk, the District of Columbia owes a duty to a person lawfully upon the District of Columbia's property to exercise reasonable care under the circumstances. D.C. Std. Civ. Jury Instr. No. 10-3. As a matter of law, the District of Columbia has a duty to use ordinary care in maintaining the public sidewalks for pedestrian use. D.C. Std. Civ. Jury Instr. No. 10-10. As further established by the affidavit produced by the adjacent property owner, the adjacent property owner has no ownership of the property where the hazardous condition that caused Ms. Littell's injuries existed.

The Trial Court's conclusion that the District of Columbia is not responsible for the maintenance of the hazardous condition does not address ***in any way*** the fact that there is no evidence establishing that maintenance of the sidewalk was someone else's responsibility. There is no agreement between the District of Columbia and the adjacent property owner that imposes the responsibility to maintain the portion of the public sidewalk where the hazard existed on the adjacent property owner.

The District of Columbia knows that it had to execute the covenant of maintenance to assign its duty to a private citizen. The District of Columbia,

through its corporate designee, testified regarding covenants of maintenance between the District of Columbia and adjacent property owners regarding non-standard paving material in the public space. The District of Columbia concedes that the covenant of maintenance binds property owners to maintain material in its public space. Holub Dep. 58:15-59:16 (A70). The District of Columbia further testified that its purpose for creating a covenant of maintenance with a property owner is to ensure that it can hold someone accountable for the maintenance of anything placed in the public space and ensure the safety to users of the public space. Id.

Yet, the Trial Court record contains no evidence of any agreement, or covenant of maintenance, between the District of Columbia and the adjacent property owner regarding the maintenance of the sidewalk in front of 810 7th Street NW. The adjacent property owner's sworn affidavit established that there is no executed covenant of maintenance. This material fact is not only undisputed, but affirmatively established by the District of Columbia's testimony that it has never seen a covenant of maintenance between the District of Columbia and the adjacent property owner. Cummings Dep. 16:12-16 (A46).

Further establishing the District of Columbia's responsibility to maintain the non-standard paving materials located at 810 7th Street NW are photographs of the District of Columbia's agents performing such maintenance in furtherance of this

responsibility. Several photographs produced by the District of Columbia show the District of Columbia's agents performing maintenance on the granite paving materials located on the public sidewalk outside of 810 7th Street NW. Pls. Ex. 8 (A37-41).

2. 24 D.C.MR. § 1105.9 does not relieve the District of Columbia of its Duty to Maintain Non-Standard Paving Materials.

The municipal regulation, 24 D.C.MR. § 1105.9, does not relieve the District of Columbia of its duty to maintain non-standard materials located on public sidewalks in the District of Columbia. Similarly, the District of Columbia must remain liable in tort for injuries that arise from the hazardous conditions that exist as a result of negligent maintenance of the non-standard paving material on its public sidewalks.

Maintenance of public sidewalks in the District of Columbia is a responsibility that is primarily incumbent on the District of Columbia and its municipalities to bear. Municipal regulations, such as 24 D.C.MR. § 1105.9, therefore constitute an attempt by the District of Columbia to shift a responsibility that is incumbent on itself to bear to private entities, such as the adjacent property owner. Moreover, since 24 D.C.MR. § 1105.9 does not provide for a remedy of enforcement by private actions for damages, pedestrians will likely be barred from seeking civil actions in tort against adjacent property owners for negligent

maintenance of non-standard paving material. As a matter of public policy, 24 D.C.MR. § 1105.9 cannot be used to allow the District of Columbia to evade civil liability in tort related to non-standard paving materials. Such an interpretation would lead to a class of citizens with injuries arising from dangerous conditions on non-standard paving material having no redress. Allowing this interpretation to stand contravenes well-established caselaw. Allowing this interpretation to stand will disincentivize the District of Columbia and its subordinate agencies from ensuring the proper maintenance of public sidewalks in the District of Columbia. Allowing this interpretation to stand ensures the creation of public safety and health risks for citizens of and visitors to the District of Columbia.

The interpretation of Title 24 Public Space and Safety of D.C. Municipal Regulations is a matter of first impression for the District of Columbia Court of Appeals. However, the Court of Appeals' interpretation of similar statutes is persuasive and should guide the Court in its interpretation of chapters within Title 24 Public Space and Safety of D.C. Municipal Regulations.

The Court of Appeals has a well-established history of finding that statutes imposing a legal duty on private property owners in relation to the public sidewalks in front of their premises are insufficient to create legal standing for a private individual to sue the property owners under the statues. In *Albertie v. Louis & Alexander Corp.*, a restaurant customer brought a civil action against the

operators of a restaurant and owners of real property on which the restaurant was located for injuries allegedly sustained when the customer fell on snow and ice on a public sidewalk adjacent to the restaurant in the District of Columbia. 646 A.2d 1001 (D.C. 1994). No duty existed at common law to keep the sidewalk in front of their premises free from ice and snow. *See Id.* at 1003. The pedestrian's theory of liability relied upon DC Code § 9-601, a snow removal statute, which imposes upon property owners the duty to clear away snow on sidewalks adjacent to the property.

In *Albertie*, the trial court granted summary judgment in favor of the operators of the restaurant and owners of the real property, concluding that the defendants owed the pedestrian no duty of care at common law or under the District of Columbia's snow removal statute, DC Code § 9-601. The Court of Appeals ultimately affirmed this judgment, reasoning that the legislation does not include any provision authorizing enforcement of the statute by private action for damages. In fact, § 9-606, only authorizes and directs the District of Columbia government to enforce the statute through the issuance of infractions against property owners. The snow removal statute is devoid any provision for a private right of actions by pedestrians against the property owners and there was no indication that the statute was to be enforced in tort. As a result, the pedestrian had

no right of action against the adjacent property owner for violation of DC Code § 9-601 in failure to clear away snow on a public sidewalk adjacent to the property.

The Court of Appeals relied upon the precedent set forth in *Radinsky v. Ellis*, 167 F.2d 745 (D.C. Cir. 1948). In *Radinsky*, this Court described legislation like DC Code § 9-601 as "an attempt on part of the municipality to shift" the burden of safety of its public street to the shoulders of private parties. *Id* at 746. This Court went on to state:

> It is it is uniformly held that an ordinance requiring lot owners to keep the sidewalks free from snow and ice, and imposing a penalty for neglect or failure to do so, ***does not relieve the municipality of this primary duty with respect to the safety of its public streets***, and does not impose a civil liability on the lot owner in favor of a third person injured by reason of its violation.

Id. at 745. In fact, this Court in *Radinsky* declared enactments of this kind generally as legislative efforts to require abutting property owners to aid in the performance of a municipal duty. *Id.* at 746.

In this matter, 24 D.C.MR. § 1105.9 is analogous to DC Code § 9-601, and the Court must interpret 24 D.C.MR. § 1105.9 as a regulation that does not relieve the District of Columbia of its primary duty with respect to safety of its public sidewalks. Similar to DC Code § 9-601, 24 D.C.MR. § 1105.9 does not include a provision that authorizes enforcement by civil actions by private individuals in

tort. In light of the legislature's choice not to include such a provision in conjunction with this Court's previous interpretations of similar statutes placing a burden on private property owners, private individuals risk potentially lacking legal standing to sue adjacent property owners under 24 D.C.MR. § 1105.9 and being unable to seek redress through civil actions for injuries sustained arising from the negligent maintenance of non-standard paving material in public sidewalks against adjacent property owners. This leaves the District of Columbia liable in tort for civil actions arising from the negligent maintenance of non-standard material on public sidewalks. 24 D.C.MR. § 1105.9 should be treated as merely an effort by the District of Columbia to require abutting property owners to aid in the performance of a municipal duty, as opposed to relieving the municipality of the primary duty with respect to the safety of its public sidewalks.

The Trial Court erred in its reliance on 24 D.C.MR. § 1105.9 as a basis for concluding that the District of Columbia is not liable for injuries sustained by pedestrians due to hazardous conditions located on public sidewalks. The Trial Court's ruling ostensibly indicates that all injuries sustained by pedestrians as a result of the negligent maintenance of non-standard paving material on the public sidewalks in the District of Columbia are beyond redress through the District of Columbia's civil action system. The Trial Court allowed 24 D.C.MR. § 1105.9 to serve as a statutory bar to civil liability against the District of Columbia for

hazardous conditions located on non-standard paving material on its public sidewalks. Similarly, had Ms. Littell brought a civil action against the adjacent property owner or the operators of the commercial property located at 810 7th Street NW, these private parties would have no liability because they do not own or operate the public sidewalk, non-standard paving material or otherwise, located at 810 7th Street NW. As such, the property owners owed Ms. Littell no duty at common law. Moreover, 24 D.C.MR. § 1105.9 lacks a provision authorizing enforcement of the responsibility to maintain non-standard through private actions for damages against the adjacent property owners. Therefore, private individuals like Ms. Littell would be barred from holding the adjacent property owner liable, leaving them without compensation for their injuries. The Trial Court's reliance on 24 D.C.MR. § 1105.9 as a basis for removing liability against the District of Columbia creates a substantial class of injuries, those sustained as result of hazards on non-standard paving materials, that are beyond redress through civil actions.

Allowing this interpretation to stand contravenes well-established caselaw. Allowing this interpretation to stand will disincentivize the District of Columbia and its subordinate agencies from ensuring the proper maintenance of public sidewalks in the District of Columbia. Allowing this interpretation to stand ensures

the creation of public safety and health risks for citizens of and visitors to the District of Columbia.

Additionally, a ruling of this nature would run afoul the well-established precedent that considers these legislative efforts as an attempt on part of the municipality to shift the burden of safety of its public street to the shoulders of private parties and bestows liability for injuries arising from the negligence maintenance of all public sidewalks of the District of Columbia on the District of Columbia's government.

Therefore, this Court should enter an order reversing the Trial Court's Order dated March 1, 2024, granting the District of Columbia's Motion for Summary Judgment.

VIII. CONCLUSION

There exists, at minimum, a genuinely disputed issue of material fact concerning the District of Columbia responsibility for maintaining the sidewalk on which Ms. Littell fell. This genuine dispute precludes the disposition of this case by Summary Judgment. Furthermore, the municipal regulation, 24 D.C.MR. § 1105.9, does not relieve the District of Columbia of its duty to maintain non-standard paving materials located within the public sidewalks in the District of Columbia. As a result, the Order of the Superior Court of the District of Columbia dated March 1, 2024, granting the District of Columbia's Motion for Summary Judgment on Count I and Count IV of Ms. Littell's Complaint and entering judgment in favor of the District of Columbia must be reversed.

Respectfully submitted,

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IX. CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 2024, a copy of the foregoing Brief was served via the Court's filing system on the following:

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District of Columbia
Court of Appeals

REDACTION CERTIFICATE DISCLOSURE FORM

Pursuant to Administrative Order No. M-274-21 (amended June 17, 2024), this certificate must be filed in all cases with all briefs and motions submitted in all cases designated with a "CV" docketing number, to include Civil I, Collections, Contracts, General Civil, Landlord and Tenant, Liens, Malpractice, Merit Personnel, Other Civil, Property, Real Property, Torts and Vehicle Cases. This form only needs to be filed once and should be filed under "Redaction Certification Form" on Ctrack.

If you are incarcerated, are not represented by an attorney (also called being "pro se"), and not able to redact your brief or motion, please initial the box below at "No. 7" to certify you are unable to file a redacted brief or motion. Once Box "No. 7" is checked, you do not need a file a separate motion to request leave to file an unredacted brief.

I Luke T. Needleman certify [as the attorney for my client, or on behalf of OAG/PDS/USAO/other institutional litigant] that [I/institutional litigant] will review the guidelines outlined in Administrative Order No. M-274-21, amended June 17, 2024, and Super. Ct. Civ. R. 5.2, and I, or any later assigned attorney, will be sure the following information will be redacted from any subsequent briefs and motions filed in this case:

1. All information listed in Super. Ct. Civ. R. 5.2(a); including:

   - An individual's social-security number
   - Taxpayer-identification number
   - Driver's license or non-driver's' license identification card number
   - Birth date
   - The name of an individual known to be a minor
   - Financial account numbers, except that a party or nonparty making the filing may include the following:

     (1) the acronym "SS#" where the individual's social-security number would have been included;
     (2) the acronym "TID#" where the individual's taxpayer-

identification number would have been included;
(3) the acronym "DL#" or "NDL#" where the individual's driver's license or non-driver's license identification card number would have been included;
(4) the year of the individual's birth;
(5) the minor's initials; and
(6) the last four digits of the financial-account number.

2. Any information revealing the identity of an individual receiving mental-health services.

3. Any information revealing the identity of an individual receiving or under evaluation for substance-use-disorder services.

4. Information about protection orders, restraining orders, and injunctions that "would be likely to publicly reveal the identity or location of the protected party," 18 U.S.C. § 2265(d)(3) (prohibiting public disclosure on the internet of such information); *see also* 18 U.S.C. § 2266(5) (defining "protection order" to include, among other things, civil and criminal orders for the purpose of preventing violent or threatening acts, harassment, sexual violence, contact, communication, or proximity) (both provisions attached).

5. Any names of victims of sexual offenses except the brief may use initials when referring to victims of sexual offenses.

6. Any other information required by law to be kept confidential or protected from public disclosure.

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7. **I certify that I am incarcerated, I am not represented by an attorney (also called being "pro se"), and I am not able to redact any filings. This form will be independently filed as record of this notice and the filing will be unavailable for viewing through online public access**

s/ Luke T. Needleman
Signature

24-CV-0300
Case Number(s)

Luke T. Needleman
Name

July 17, 2024
Date

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Email Address