

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
FAMILY DIVISION
DOMESTIC RELATIONS BRANCH**

ETHEL EDMONDS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2013 DRB 3333
	:	Judge Veronica Sanchez
	:	
PAUL WALKER,	:	
	:	
&	:	
	:	
TAMMY VAIL,	:	
	:	
Defendants.	:	

ORDER CONCERNING SERVICE

This matter comes before the Court on Plaintiff Ethel Edmonds’ *Motion to Serve by Publication or Posting* filed May 9, 2024. Previously, on February 27, 2024, Plaintiff filed a *Motion for Modification and Rescission of Joint Legal Custody Award*. However, that Motion was dismissed under D.C. Sup. Ct. Rule 4(l) after no return of service on the motion was filed within sixty (60) days.

On April 29, 2024, Plaintiff’s counsel William Stancil emailed Chambers inquiring about the status of the motion. The Court informed Mr. Stancil that the motion was dismissed for failure to comply with both Rule 4(l) as well as Dom. Rel. R. 4(g) which requires a showing of both diligent efforts to serve the opposing party via traditional means before being granted leave to serve by publication and requires a showing that service by publication would impose a substantial hardship before being granted leave to serve by posting. Mr. Stancil responded to that notice that an employee in the Domestic Relations Branch of the Family Court indicated they would handle

service of the summons. Mr. Stancil further indicated that “Compliance with D.C. code section 13-340(a) should be handled by the Family Court, not Plaintiff.”

There appears to have been confusion about the factual allegations required under the rules of service. Under D.C. Code § 13-340, if

“satisfactory evidence is presented to the court that the plaintiff is unable to pay the cost of publishing an advertisement pursuant to sec. 13-340, without substantial hardship to himself or herself, or to his or her family, the court may direct that such publication may be made by posting the order of publication defined in sec. 13-339, for a period of twenty-one calendar days, in the Clerk’s Office of the Family Division of the Superior Court of the District of Columbia.”

Thus Mr. Stancil is correct that *if* Plaintiff alleged and provides satisfactory evidence of such hardship, service by posting would be allowed and handled by the Clerk’s Office. However, the sufficient allegations were not made. Further, under D.C. Code § 13-338(2), an order for substitution of public for personal service may not be made until either “(A) The nonresidence of the defendant or his or her absence for at least 6 months; or (B) Diligent efforts to find the defendant or that the defendant seeks to avoid service of process by concealment.” Plaintiff alleged that Defendant’s are “homeless” but did not indicate any efforts made to find Defendants or evidence that Defendants were seeking to avoid service by concealment.

On May 5, 2024, Mr. Stancil emailed a deputy clerk in the Central Intake Center with a new copy of the motion and cc’ed Chambers noting that “the motion you processed was denied even though it contains a request for permission to serve by posting” and requesting that the clerk’s office “please process the motion again and attach to it whatever will make the motion comply with D.C. 13-340(a).”

On May 6, 2024, the new *Motion for Modification and Rescission of Joint Legal Custody Award* was filed. Then on May 9, 2024, a *Motion to Serve by Publication or Posting* was filed *pro se*. Plaintiff wrote on the first page of that motion “PLEASE BE ADVISED THAT SERVICE BY ANY MEANS OTHER THAN POSTING ON DEFENDANT WALKER AND DEFENDANT VAIL IS FUTILE BECAUSE BOTH OF THEM ARE HOMELESS.” The second page of the form motion also indicated that “I believe the Defendant cannot be found because I have made diligent efforts to discover the whereabouts of the Defendant... includ[ing] looking for information about the Defendant... from jails, prisons and the military.” The form motion included the direction that the movant “**YOU MUST TRY YOUR BEST TO COMPLETE STEP 1-18.**” Several of the steps are left blank because Defendants have been out of contact for so long. However, most relevant here is step 15 which includes a checkbox which says “I called these jails and prisons to find out if the Defendant is incarcerated or on parole.” The instructions included the phone number of the records office of the D.C. Jail. Plaintiff wrote across the instructions “Defendant et al are homeless.”

The Court notes that Paul Lorenzo Walker has been incarcerated at the Central Detention Facility in Washington, D.C. since January 15, 2024. Defendant Tammy Vail was charged with manufacturing or possessing with intent to manufacture a controlled substance on April 17, 2024 in case number 2024 CF2 3731. Defendant Vail was arrested at an apartment building in the 400 block of Brandywine Street SE, Washington, D.C before being transported to the Seventh District for processing. The residency information in that case indicates that Defendant Vail currently resides at 425 Atlantic Street SE, Apt. 203, Washington, D.C. 20032.

Defendant Vail was arraigned on April 17, 2024, and directed to verify her address and was released on her own recognizance. The address provided on the pretrial release conditions and

order filed April 17, 2024, lists Defendant Vail's address as 362 Raleigh Street SE, Washington, D.C. 20032. On May 10, 2024, the pretrial services agency indicated Defendant Vail had no verified her address. Finally on May 13, 2024, an extraditable bench warrant was issued for Defendant Vail after she failed to appear at the preliminary hearing on May 13, 2024.

Because Defendant Vail is legitimately unable to be located, the Court will grant service by posting as to her. However, Defendant Walker's whereabouts are known and certain. The Court thus does not grant Plaintiff's motion to serve by posting as to him.

Pursuant to the Rules Governing Domestic Relations Proceedings, Rule 4(f), the Court may authorize service by posting notice in the Clerk's Office of the Family Court for a period of twenty-one (21) days if the cost of publication would impose a substantial financial hardship. See D.C. CODE § 13-340(a). Plaintiff indicates paying for publication would impose a substantial hardship and Plaintiff also has a fee waiver for Court filings. Thus, the Court finds that publication would pose a financial hardship and authorizes service by posting of the below notice for a period of twenty-one (21) days in the Clerk's Office, and/or, given the Coronavirus pandemic, on the Court's website. If Defendant Vail fails to file a responsive pleading within the time allowed after she has been served, the Court may enter a default and convert the next hearing into a default/ex parte hearing to take testimony from Plaintiff and proceed to final judgment without Defendant Vail's participation.

Accordingly, it is this **20th** day of **June, 2024**, hereby


ORDERED that Plaintiff's *Motion to Serve by Publication or Posting* filed May 9, 2024, is **GRANTED IN PART** as to Defendant Tammy Vail but **DENIED** as to Defendant Walker; it is further

ORDERED, that prior to the next scheduled hearing, Plaintiff must file an affidavit in compliance with the Servicemembers Civil Relief Act, which includes certification from the Department of Defense Manpower Center that Defendant Vail is not a current member of the military or contains facts from Plaintiff's personal knowledge that would support that finding. Plaintiff may contact the Family Court Self-Help Center at (202) 879-1212 for assistance with this obligation; it is further

ORDERED, that the attached notice shall be posted in the Clerk's Office of the Family Court of the Superior Court of the District of Columbia and on the Superior Court's website for a period of twenty-one (21) calendar days in order to serve Defendant and notify him of the present action in which he is a party; it is further

ORDERED that Parties shall appear for a status hearing in this matter on July 26, 2024, at 12:30pm in Courtroom JM-3 of the Moultrie Courthouse (500 Indiana Ave NW, Washington, DC 20001). Failure to appear may result in dismissal, sanctions, or default.

SO ORDERED.


Veronica Sanchez
Associate Judge

COPIES TO:

Ethel Edmonds

Via email

Plaintiff

William Stancil

Via CFX

Counsel for Plaintiff

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
FAMILY DIVISION
DOMESTIC RELATIONS BRANCH**

ETHEL EDMONDS,	:	
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Plaintiff,	:	
	:	Case No. 2013 DRB 003333
v.	:	
	:	
PAUL WALKER,	:	
	:	
&	:	
	:	
TAMMY VAIL,	:	
	:	
Defendant.	:	

NOTICE OF DIVORCE AND CUSTODY

TAMMY VAIL YOU ARE HEREBY NOTIFIED THAT a complaint for absolute divorce and custody and/or visitation has been filed in the above-captioned matter.

IF YOU WANT TO CHALLENGE THIS COMPLAINT, you must file a written objection with the Court within 21 days. If you do not file a written objection within 21 days or appear at the hearing, default may be entered against you and the hearing may be converted to a default/*ex parte* proof hearing, and judgment entered without further proceedings. Your objection should be emailed to FamilyCourtCIC@dcsc.gov, and directed to the Domestic Relations Branch Clerk, Family Court, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, DC 20001.

IF YOU DO NOT WANT TO CHALLENGE THIS COMPLAINT, you may consent to the relief sought prior to the hearing scheduled for **July 26, 2024, at 12:30pm** in Courtroom JM-3. For more information on how to file a Consent Answer, please contact the Family Court Self-Help Center by telephone number (202) 879-0096.

FAILURE TO RESPOND IN THIS MATTER MAY RESULT IN THE ENTRANCE OF A PERMANENT DIVORCE AND CUSTODY ORDER WITHOUT YOUR PARTICIPATION.



Veronica Sanchez
D.C. SUPERIOR COURT JUDGE