

## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

#### WASHINGTON, D.C. 20001-2131

Date: 10-28-08

The Honorable Nancy-Mayer-Whittington, Clerk United States District Court for the District of Columbia 3<sup>rd</sup> and Constitution Avenue, Washington, D.C. 20001

18MC6/23 RBW

In Re: Dynamic Corporation vs. District of Columbia et. al.

Civil Action Number: 08ca 3264

Dear Ms. Mayer-Whittington:

RECEIVED OCT 3 1 2008

Transmitted herewith are all of the pleadings filed in the above captioned case at to a Petition for Removal on the Subpoena Only for Smithsonian Telescopies Filed on October 17, 2000. pursuant to a Petition for Removal on the Subpoena Only for Smithsonian Institution Libraries Filed on October 17, 2008. This consists of pleading only. A certified copy of the docket entries is also enclosed.

Please acknowledge receipt of our file on the duplicate copy of this letter, and return it to this Court.

Sincerely,

Derrick Monroe, Branch Chief

Civil Actions Branch

## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA Civil Division

|                              | )                                      |
|------------------------------|--|
| DYNAMIC CORPORATION,         | )                                      |
|                              | )                                      |
| ν,                           | ) Super, Ct. Case No. 2008 CA 003264 B |
|                              | ) Subpoena matter                      |
| DISTRICT OF COLUMBIA, et al. | )                                      |
|                              | )                                      |
|                              |  |

# NOTICE OF FILING OF NOTICE OF REMOVAL OF SUBPOENA

TO: ALL PARTIES

PLEASE TAKE NOTICE THAT ON October 17, 2008, the Smithsonian Institution

Libraries, through counsel, filed with the Clerk of the United States District Court of the District

of Columbia a Notice of Removal of the subpoena matter in the above-referenced civil action,

pending in the Superior Court of the District of Columbia. A copy of the Notice of Removal is

attached hereto. The Superior Court of the District of Columbia, with regard to the Subpoena,

"shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d).

Dated: October 17, 2008

Respectfully submitted,

United States Attorney

Assistant United States Attorney

JEREMY 8. SIMON, D.C. BAR # 447956 Assistant United States Attorney Judiciary Center Building 555 4th St., N.W., Room E-4210 Washington, D.C. 20530 (202) 307-0406

#### **CERTIFICATE OF SERVICE**

I hereby certify that, on October 17, 2008, service of the foregoing Notice of Filing of Notice of Removal of Subpoena was made via First Class mail, with postage prepaid, to the following:

Claudia D. McCarron Nelson Levine de Luca & Horst, LLC 518 Township Line Road, Ste. 300 Blue Bell, Pa. 19422

Attorney for Dynamic Corporation

Susan L. Giles Assistant Attorney General 441 - 4<sup>th</sup> Street, NW Sixth Floor South Washington, D.C. 20001-2714

Attorney for Defendants, District of Columbia and Robert Noel

Allan Noble Budow and Noble, P.C. 7315 Wisconsin Avenue #500W Bethesda, MD 20814

Attorney for Defendant Stephen Ortado

Tameka Collier Troutman Sanders LLP 401 9<sup>th</sup> Street, NW Washington, D.C. 20004

Attorney for Defendant Wagner Spray Tech Corporation

Frederick Douglas Douglas & Boykin, PLLC 1850 M. Street, N.W. Washington, D.C. 20036

Attorney for Defendant District of Columbia Water & Sewer Authority

Jonathan Rolfe Lee & McShane, PC 1211 Connecticut Avenue, NW Washington, D.C. 20036

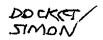
Attorney for Defendant Grotheer & Co., P.C. and Rippeteau Architects, P.C.

James Jordan Jordan, Coyne & Savits, LLP Suite 600 Washington, D.C. 20036

Attorney for Defendant Two Brothers Contracting, Inc.

EREMY S. SMON

Assistant United States Attorney



# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

| In Re Subpoena in                | )<br>)<br>)<br>)<br>)  |
|----------------------------------|--|
| DYNAMIC CORPORATION              | ) aller Miss.  |
| 5133 Lawrence Place              | )  |
| Hyattsville, Maryland 20781      | ) Case: 1:08-mc-00673  |
| Plaintiff,                       | Assigned To: Walton, Reggie B. Assign. Date: 10/17/2008 Description: Miscellaneous |
| v.                               |  |
|                                  | ) Super. Ct. Case No. 2008 CA 003264 B   |
| THE DISTRICT OF COLUMBIA         | ) Subpoena matter  |
| John A. Wilson Building          | )  |
| 1350 Pennsylvania Ave., N.W.     | )  |
| Washington, D.C. 20004           | )  |
|                                  | )  |
| and                              | )  |
|                                  | )  |
| ROBERT NOEL                      | )  |
| c/o THE DISTRICT OF COLUMBIA     | )  |
| John A. Wilson Building          | )  |
| 1350 Pennsylvania Ave., N.W.     | )  |
| Washington, D.C. 20004           | )  |
| Washington, D.O. 2000            | j ·  |
| and                              | j ·  |
| and                              | j ·  |
| GROTHEER & CO., P.C.             | ý  |
| 1612 K Street, NW,               | ý  |
| Ste LL#                          | í  |
|                                  | )  |
| Washington, D.C. 20006           | · Ś  |
| and                              | )  |
| and                              | Ś  |
| RIPPETEAU ARCHITECTS, P.C.       | ,  |
|                                  | ì  |
| 1530 14 <sup>th</sup> Street, NW | ,  |
| Washington, D.C. 20005           | )  |
| 1                                | \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \  |
| and                              | )  |
| CONTRACTOR AND All land Alla     | )<br>\   |
| STEPHEN ORTADO d/b/a and t/a     | <i>)</i>   |
| HISTORIC STRUCTURES              | )  |
| 3711 Cumberland Street, N.W.     | )  |

| Washington, D.C. 20018  | )           |
|---|-------------|
| and   | )           |
| WAGNER SPRAY TECH CORPORATION<br>1770 Fernbrook Lane<br>Plymouth, MN 55447                              | ))))        |
| and   | )           |
| DISTRICT OF COLUMBIA WATER AND<br>SEWER AUTHORITY<br>5000 Overlook Avenue, SW<br>Washington, D.C. 20032 | )           |
| and   | )           |
| TWO BROTHERS CONTRACTING, INC. a/k/a TWO BROTHERS CONSTRUCTION, INC.                                    | )           |
| 5133 B Lawrence Place<br>Hyattsville, Maryland 20781  | )           |
| and   | )<br>)      |
| OFFICE OF THE ATTORNEY GENERAL<br>441 4th Street NW, 6th Floor<br>Washington, D.C. 20001                | )<br>)<br>) |
| Defendants,   | )           |
| and   | )           |
| SMITHSONIAN INSTITUTION LIBRARIES P.O. Box 37012 MRC 154 Washington, D.C. 20013-7012                    | )           |
| Non-Party Recipient of Subpoena.  | )           |

# NOTICE OF REMOVAL OF SUBPOENA

The United States Attorney, through the undersigned attorneys, and on behalf of Smithsonian Institution Libraries ("Smithsonian") respectfully files this Notice of Removal of a subpoena matter pursuant to 28 U.S.C. §§ 1442(a)(1), 1446; Brown & Williamson Tobacco Corp. v. Williams, 314 U.S. App. 85, 62 F.3d 408, 412-415 (1995); Houston Business Journal, Inc. v. Office of the Comptroller of the Currency, 318 U.S. App. D.C. 214, 86 F.3d 1208, 1211 (1996); and Voyles v. Smithkline Beecham Corp. (In re Collins), 2008 U.S. App. LEXIS 9625, 524 F.3d 249, 251 (D.C. Cir. 2008). In support of this notice, Smithsonian states as follows:

- Smithsonian has been issued a subpoena for the production of documents by
   Dynamic Corporation in the matter of *Dynamic Corporation v. The District of Columbia, et al.*,
   Case No. 2008 CA 003264 B, pending in the Superior Court for the District of Columbia.
- 2. The subpoena is issued under the authority of the Superior Court for the District of Columbia. The subpoena was sent to the Smithsonian by certified mail with a cover letter dated October 3, 2008 and was received the following week. A copy of the subpoena is attached hereto.
- 3. The subpoena seeks records concerning official activities of the Smithsonian in protecting and preserving of library materials in connection with a fire at the Georgetown Public Library on April 30, 2007.
- 4. Smithsonian will move to quash the subpoena, relying on federal law. The motion to quash is being filed simultaneously herewith.
- 5. This notice of removal is brought pursuant to 28 U.S.C. §§ 1442(a)(1) and 1446; Brown & Williamson Tobacco Corp. v. Williams, 314 U.S. App. 85, 62 F.3d 408, 412-415 (1995); Houston Business Journal, Inc. v. Office of the Comptroller of the Currency, 318 U.S. App. D.C. 214, 86 F.3d 1208, 1211 (1996); and Voyles v. Smithkline Beecham Corp. (In re Collins), 2008 U.S. App. LEXIS 9625, 524 F.3d 249, 251 (D.C. Cir. 2008).

WHEREFORE, this subpoena matter is properly removed from the Superior Court of the District of Columbia, to this Court, pursuant to the referenced authority. The underlying civil case in the Superior Court of the District of Columbia is not affected by the removal of this subpoena matter.

Dated: October 17, 2008

Respectfully submitted,

JEFFREY A TAYLOR, D.C. Bar # 498610

United States Attorney

RUDOLPH CONTRERAS, D.C. Bar # 434122

Assistant United States Attorney

JEREMY S. SIMON, D.C. Bar # 447956

Assistant United States Attorney

Judiciary Center Building

555 4th St., N.W.

Washington, D.C. 20530

(202) 307-0406



Claudia D. McCarron Direct; 215.358.5138 cmccarron@nldhlaw.com

PHILADELPHIA

CHERRY HILL

COLUMBUS

NEWARK

**NEW YORK** 

LONDON

www.nldhlaw.com 518 Township Line Road

Suite 300

Blue Bell, PA 19422 Phone: 215.358.5100

Fax: 215.358.5101

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

October 3, 2008

Smithsonian Institution Libraries Office of the Director P.O. Box 37012 MRC 154 Washington, DC 20013-7012

Re:

Dynamic Corporation v. The District of Columbia, et al

Superior Court for the District of Columbia, No. 2008 CA 003264 B

Dear Sir or Madam:

Nelson Levine de Luca & Horst, LLC represents Plaintiff in the above matter.

Enclosed is a "Subpoena in a Civil Case" ("Subpoena") directing you to produce all documents set forth on Schedule "A" to the Subpoena on or before November 1, 2008. Please be advised that you may mail the documents directly to me at the address listed above, rather than appearing in person at the law firm of Holland & Knight. We will, of course, reimburse you for the reasonable cost of photocopying and mailing the requested documents.

If you have any questions, please contact my paralegal, Holly Korpics, at (215) 358-5120. Thank you for your anticipated cooperation.

Very truly yours,

NELSON LEVINE de LUCA & HORST, LLC

Claudia D. McCarron

CM/hkk Enclosure

cc (w/encl.):

Susan Giles, Esquire

Frederick A. Douglas, Esquire Monica O'Connell, Esquire Smithsonian Institution Libraries October 3, 2008 Page 2

> Jonathan P. Rolfe, Esquire Allan A. Noble, Esquire Tameka M. Collier, Esquire George W. Soule, Esquire John Wilson, Esquire James F. Jordan, Esquire

# Superior Court of the Bistrict of Columbia CIVIL DIVISION

500 Indiana Avenue, N.W., Room JM-170 Washington, D.C. 20001 Telephone (202) 879-1133

| DYNAMIC CORPORATION SUBPO  | DENA IN A CIVIL CASE                                       |   |
|--|--|---|
|  |  |   |
| <b>v</b>   |  |   |
| THE DISTRICT OF COLUMBIA, et al. GASE  | NUMBER: 2008 CV 3264                                       | <u>B</u>  |
| Defendant  |  |   |
| Smithsonian Institution Libraries  |  |   |
| ☐ YOU ARE COMMANDED to appear at the place, date, and time sp  | pecified below to testify i                                | n the above case.                               |
| COURTROOM  | DATE   | TIME  |
| YOU ARE COMMANDED to appear at the place, date, and time specifing the above case.   | ied below to testify at the                                | taking of a deposition                          |
| PLACE OF DEPOSITION  | DATE   | TIME  |
| abjects at the place, date, and time specified below (list docume<br>BOCUMENTS OR OBJECTS See Schedule "A" attached hereto and incorporated herein by reference  |  | ·   |
| PLACE OF PRODUCTION  Holland & Knight, 2099 Pennsylvania Ave NW, Ste. 100, Washington, DC 20006  | DATE<br>November 1, 2008                                   | TIME<br>10 a.m.                                 |
| YOU ARE COMMANDED to permit inspection of the following clow.  | ***************************************                    | and time specified                              |
| PREMISES   | DATE   | ТІМЕ  |
| Any organization not a party to this suit that is subpoctated for the tal<br>facers, directors, or managing agents, or other persons who consent to testify<br>signated, the matters on which the person will testify. SCR-CIV 50(b)(6). | king of a deposition shall o<br>on its behalf, and may see | lesignate one or more<br>forth, for each person |
| ISSUING PERSONS SIGNATURE AND TITLE (indicate if attorney for plaintiff or de  |  | DATE  |
| counsel for  | plaintiff  |   |
| ISSUING PERSON'S NAME. ADDRESS AND PHONE NUMBER  |  |   |
| laudia D. McCarron, Esquire, admitted pro hac vice / Michael R. Nelson, Esquire, DC 9806<br>elson Levine de Luca & Horst, LLC<br>18 Township Line Road, Suite 300, Blue Bell, PA 19422 (215) 358-5100                                    | 75   |   |

(SEE RULE 45, SUPERIOR COURT RULES OF CIVIL PROCEDURE ON REVERSE)

Authorization as required by D.C. Code §14-807 and Brown v U.S., 567 A. 2d 426 (D.C. 1989), is hereby given for issuance of a subpoena for medical records concerning a person who has not consented to disclosure of the records and has not waived the privilege relating to such records. Judge To Whom Case is Assigned PROOF OF SERVICE DATE TIME PLACE SERVED SERVED ON (PRINT NAME) MANNER OF SERVICE (attach return receipt if service was made by registered or certified mail) SERVED BY (PRINT NAME) TITLE **DECLARATION OF SERVER** I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled cause and that the foregoing information contained in the Proof of Service is true and correct. Executed on DATE SIGNATURE OF SERVER

RULE 45, SUPERIOR COURT RULES OF CIVIL PROCEBURE, Sections C & D:

#### (c) Protection of Persons Subject to Subposture.

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(4) histiff of an authory responsible for the issuance and service of a subpoent shall take traisonable steps to avoid supposing under luident overpension is person subject to that subpoent. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate suigidion, which may include, but is not limited to, lost earnings and reasonable attorney's fee:

ADDRESS OF SERVER

- (E)(A) A person commanded to produce and permit impection and copying of designated books, papers, documents or rangible things or inspection of personal production of production or inspection unless commanded to appear for deposition, bearing or trial.
- (Bf Subject to paragraph (differ this Rule, a person commanded to produce and permit impension articlepying may, within 14 days after service, serve upon the paray or attorney service of the uniquents or before the cione specified for compliance if such time is less than 14 days after service, serve upon the paray or attorney designated in distributions a written objection to inspection or copying of any or all of the designated materials or of the premises except pursuant to an order of the Count. If objection has been made, the party serving the subpoent may, upon notice to the person commanded to produce, move at any time for an order of the Count. If objection has been made, the party serving the subpoent may, upon notice to the person commanded to produce, move at any time for an order to compel the qualificant expenses to other or an officer of a party from any infilicant expenses to other from the inspection and copying commanded.

Alker On thinkly inction, the Court shall quash or modify the subpoems if it

- (i) falls to allow reasonable time for compliance,
- ill requires a person who is the a party or an officer of a party to travel to a place more than 25 miles from the place where that person resides, is employed or regularly transacts business in person except that, subject to the provisions of clause teggically of this Rule, such a person may in order to attend trial be commanded to travel from any such place to the place of trial, or
  - tiil) requires disclosure of privileged or other protected marter and no exception or waiter applies, or,
  - (iv) subjects a person to undue burden.

#### (g) II z anpbocus

- the requires disclosure of a trade secret or other confidences tenearch, development, or confinercial information, or
- in requires disclosure of an unretained expert's appaion or information not describing specific ments of accurances indispute and resulting from the expert's study made not at the request of any pairs, or
- (iii) sequires a person who is not a party or an officer of a party to incur substantial expense to tuve intercriban 25 miles to attend that, the Court may, so protect a person subject to or affected by the subposite, quastror modify the subposite, if the party in whose behalf the subposite is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subposite is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

#### (d) Deirics in Respecting to Subpoens.

- (1) A person responding to a subpoens to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the entegories in the demand.
  - If When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as eval preparation materials, the claim shall be made expressly and shall be supported by a description of the instance of the documents, communications, or things not produced that is sufficient to enable the demanding party to content the claim.

#### SCHEDULE "A"

#### **DEFINITIONS**

- 1. The term "DOCUMENT" as used herein, means the original and all copies of all written, electronic, printed, typed or other graphic matter of any kind or nature and any other tangible thing in your possession, custody or control or known by you to exist, including but not limited to:
  - (i) all contracts, agreements, letter agreements, representations, warranties, certifications and opinions;
  - (ii) all letters or other forms of correspondence or communications, including envelopes and notes, electronic communications, telegrams, cables, telex messages, email and messages, including reports, notes, notations and memoranda of or relating to telephone conversations or conferences;
  - (iii) all memoranda, reports, test results, financial statements or reports, notes, scripts, transcripts, tabulations, studies, analysis, evaluations, projections, work papers, corporate records or copies thereof, expressions or statements or policy, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical statements or records, compilations and opinions or reports or consultants;
  - (iv) all desk calendars, appointment books and diaries;
  - (v) all minutes, records or transcripts of meetings and conferences, and lists of persons attending meetings or conferences;
  - (vi) all reports and summaries of interviews and negotiations;
  - (vii) all books, articles, press releases, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, instructions and manuals;
  - (viii) all motion pictures and photographs (whether developed or undeveloped), tape records, microfilms, phonographs or other records, punchcards, magnetic tapes, disks, data cells, drums, printouts and other data compilations from which information can be obtained; and
  - (ix) drafts of any document revisions or drafts of any documents and original or preliminary notes.
- 2. The term "FIRE" shall refer to the fire that occurred at the Georgetown Public Library on April 30, 2007.

# DOCUMENTS TO BE PRODUCED

All documents related to the storage, restoration, salvage, destruction and/or repair of items (including books, artwork, artifacts, and/or antiques) damaged and/or destroyed as a result of the fire at the Georgetown Library, including but not limited to estimates, invoices, inventories, notes, correspondence, and/or photographs.

## CERTIFICATE OF SERVICE

I hereby certify that, on October 17, 2008, service of the foregoing Notice of Removal of Subpoena was made via First Class mail, with postage prepaid, to the following:

Claudia D. McCarron Nelson Levine de Luca & Horst, LLC 518 Township Line Road, Ste. 300 Blue Bell, Pa. 19422

Attorney for Dynamic Corporation

Susan L. Giles Assistant Attorney General 441 - 4<sup>th</sup> Street, NW Sixth Floor South Washington, D.C. 20001-2714

Attorney for Defendants, District of Columbia and Robert Noel

Allan Noble Budow and Noble, P.C. 7315 Wisconsin Avenue #500W Bethesda, MD 20814

Attorney for Defendant Stephen Ortado

Tameka Collier Troutman Sanders LLP 401 9th Street, NW Washington, D.C. 20004

Attorney for Defendant Wagner Spray Tech Corporation

Frederick Douglas Douglas & Boykin, PLLC 1850 M. Street, N.W. Washington, D.C. 20036

Attorney for Defendant District of Columbia Water & Sewer Authority

Jonathan Rolfe Lee & McShane, PC 1211 Connecticut Avenue, NW Washington, D.C. 20036

Attorney for Defendant Grotheer & Co., P.C. and Rippeteau Architects, P.C.

James Jordan Jordan, Coyne & Savits, LLP Suite 600 Washington, D.C. 20036

Attorney for Defendant Two Brothers Contracting, Inc.

JEREMY S. SIMON

Assistant United States Attorney

least equivalent to the GS-9 level which is in or directly related to the line of work of the position to be filled and which has equipped the applicant with the particular knowledge, skills, and abilities to successfully perform the duties of the position. Specialized experience includes experience researching, identifying and resolving legal and factual issues in cases directed by an attorney; researching legal statutes and precedents related to local, state or federal laws; preparing legal documents; and utilizing any automated system to retreive data and provide assistance.

SUBSTITUTION OF EDUCATION FOR EXPERIENCE: Experience requirements at the GS-11 level may be met by three (3) full academic years of graduate level education or the successful completion of a Ph.D. or equivalent doctoral degree, or completion of all requirements for an LL.M.

COMBINATION OF EDUCATION AND EXPERIENCE: Equivalent combinations of successfully completed education and experience may be used to meet the experience requirements.

See Other Information for further requirements.

#### **HOW YOU WILL BE EVALUATED:**

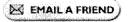
Top ▲

You will be rated based on your qualifications for this position as evidenced by the education, experience and training you report relative to this position which shows that you possess the knowledges, skills and abilities required. Paid or unpaid experience will be considered.

→ Back to Search Results











Send Mail to: CSOSA 1145 Broadway Plaza Suite 800 Tacoma, Washington 98402

US

Fax: 202.220.5615

? Questions?

For questions about this job: AVUE Help Desk Phone: 253-573-1877 ext. 209

Fax: 202.220.5615

Email:

www.avuedigitalservices.com/csosa

USAJOBS Control Number: 1371928

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# Superior Court of the Bistrict of Columbia CIVIL DIVISION

500 Indiana Avenue, N.W., Room JM-170 Washington, D.C. 20001 Telephone (202) 879-1133

| DYNAMIC CORPORATION  Plaintill   | SUBPOEN                  | a in a civil case                                | :   |
|--|--------------------------|--|---|
| v. THE DISTRICT OF COLUMBIA, et al. Defendance   | CASE NUM                 | BER: 2008 CV 3264                                | В   |
| Tox Smithsonian Institution Libraries  |                          |  |   |
| ☐ YOU ARE COMMANDED to appear at the place, of   | date, and time specif    | ied below to testify i                           | n the above case.                               |
| COURTROOM  |                          | DATE   | тие   |
| <ul> <li>YOU ARE COMMANDED to appear at the place, date<br/>in the above case.</li> </ul>  | and time specified t     | clow to testify at the                           | taking of a depositio                           |
| PLACE OF DEPOSITION  |                          | DATE   | TIME  |
| EYOU ARE COMMANDED to produce and perm<br>objects at the place, date, and time specified belo<br>DOCUMENTS OR OBJECTS<br>See Schedule "A" attached hereto and incorporated herein by | w (list documents        | or objects):                                     | owing ascaments                                 |
| PLACE OF PRODUCTION Holland & Knight, 2099 Pennsylvania Ave NW, Ste. 100, Washi  | tiaton, DC 20006         | DATE<br>November 1, 2008                         | TIME<br>10 a.m.                                 |
| D YOU ARE COMMANDED to permit inspection below.  |                          |  | and time specified                              |
| PREMISES   |                          | DATE   | ТІМЕ  |
| Any organization not a party to this suit that is subpositions, or managing agents, or other persons who lesignated, the matters on which the person will testify. SCR               | consent to testify on it | of a deposition shall o<br>s behalf, and may see | lesignate one or more<br>forth, for each person |
| ISSUING PERSON'S SIGNATURE AND TITLE (indicate if altorne  |                          | nt)  | DATE  |
|  | counsel for pl           | aintiff  |   |
| ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER  | w . no                   |  |   |
| Claudia D. McCarron, Esquire, admitted pro hac vice / Michael R. Nelsor<br>Nelson Levine de Luca & Horst, LLC<br>518 Township Line Road, Suite 300, Blue Bell, PA 19422 (215) 358-51 |                          |  |   |

(SEE RULE 45, SUPERIOR COURT RULES OF CIVIL PROCEDURE ON REVERSE)

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Authorization as required by D.C. Code \$14-307 and Brown v U.S., 567 Å. 2d 126 (D.C. 1989), is hereby given for issuance of a subpoens for medical records concerning a person who has not consented to disclosure of the records and has not waived the privilege relating to such records.

|  |   |                                       | Judge To Whom Care is Assigned   |
|--|---|---------------------------------------|--|
|  |   | · · · · · · · · · · · · · · · · · · · | PROOF OF SERVICE   |
| SERVED                                       | DATE                                    | TIME                                  | PLACE  |
| Served on (P                                 | rint name)                              |                                       | SERVICE receipt if service was made by registered or certified mail)   |
| served by (f                                 | RINT NAM                                | E)                                    | TITLE  |
| •  |   |                                       |  |
|  |   |                                       | BCLARATION OF SERVER   |
| I declare and the above                      | under penalty<br>entitled cause         | of perjury unde                       | BCLARATION OF SERVER  T the laws of the District of Columbia that I am at least 18 years of age and no pregoing information contained in the Proof of Service is true and correct. |
| I declare<br>arty to the above<br>secured on | under penalty<br>entitled cause<br>DATE | of perjury unde                       | r the laws of the District of Columbia that I am at least 18 years of age and no   |

- (4) A justif of an autumey responsible for the issuance and service of a subports shall take reasonable steps to avoid imposing and/or burden or expensions person subject to that subports. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate tailord, which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit impection and copying of designated books, papers, documents or rangible things or inspection of permits meeting as appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of production or inspection unless commanded to appear in person at the place of person at the person at the
- By Subject to paragraph (dif2) of this Rule, a person commanded to produce and permit impection article pring may, withit it days after service of the uniquents or before the cione specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subjects as written objection to inspection or copying of any or all of the designated materials or of the premises except permanent to an order of the Court. If objection has been made, the party serving the subpoents may, upon notice to the permon commanded to produce, move at any time for an order to compel the production shall protect any person who is not a party or an officer of a party or an officer of a party from applificant expense totaling from the inspection and copying communiced.

(I)Key On thinkly motion, the Court shall quasti or modify the subpoent if it

- (i) falls to allow reasonable time for compliance,
- ,iii requires a person who is that a party or an officer of a party to travel to a place more than 25 thilles from the place where that person resides, is employed or regularly transacts business in person except that, subject to the provisions of clause texts (b) in this Rule, such a person may in order to attend trial be commanded to travel from any such place to the place of trial, or
  - till) requires disclosure of privileged or other protocold matter and no exception or water applies or.
  - (iv) subjects a person to undue burden.

#### (B) If a subpoena

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- Il) requires disclosure of a trade secret or other confidential research, desclopment, or confinercial information, or
- in requires disclosure of an unretained expert's upminn or information not describing specific exems or occurances inchaptic and resulting from the expert's study made nor at the request of any pairs, or
- (iii) requires a person where not a party or an officer of a party to incur substantial expense to travel more than 25 miles to attend that, the Court may, to protect a person subject to or affected by the subpoents, quastror modify the subpoents or, if the party in whose behalf the subpoents is instead above a hubitantial need for the testimone or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoents is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

#### (d) Docies in Kerponding to Subpocus.

- (1) A person responding to a subpoens to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
  - If When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as treal preparation materials, the claim shall be made expressly and shall be supported by a description of the unitare of the documents, committee than, or things not produced that is sufficient to enable the demanding party to content the claim.

#### SCHEDULE "A"

#### DEFINITIONS

- 1. The term "DOCUMENT" as used herein, means the original and all copies of all written, electronic, printed, typed or other graphic matter of any kind or nature and any other tangible thing in your possession, custody or control or known by you to exist, including but not limited to:
  - (i) all contracts, agreements, letter agreements, representations, warranties, certifications and opinions;
  - (ii) all letters or other forms of correspondence or communications, including envelopes and notes, electronic communications, telegrams, cables, telex messages, email and messages, including reports, notes, notations and memoranda of or relating to telephone conversations or conferences;
  - (iii) all memoranda, reports, test results, financial statements or reports, notes, scripts, transcripts, tabulations, studies, analysis, evaluations, projections, work papers, corporate records or copies thereof, expressions or statements or policy, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical statements or records, compilations and opinions or reports or consultants;
  - (iv) all desk calendars, appointment books and diaries;
  - (v) all minutes, records or transcripts of meetings and conferences, and lists of persons attending meetings or conferences;
  - (vi) all reports and summaries of interviews and negotiations;
  - (vii) all books, articles, press releases, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, instructions and manuals;
  - (viii) all motion pictures and photographs (whether developed or undeveloped), tape records, microfilms, phonographs or other records, punchcards, magnetic tapes, disks, data cells, drums, printouts and other data compilations from which information can be obtained; and
  - (ix) drafts of any document revisions or drafts of any documents and original or preliminary notes.
- 2. The term "FIRE" shall refer to the fire that occurred at the Georgetown Public Library on April 30, 2007.

# **DOCUMENTS TO BE PRODUCED**

All documents related to the storage, restoration, salvage, destruction and/or repair of items (including books, artwork, artifacts, and/or antiques) damaged and/or destroyed as a result of the fire at the Georgetown Library, including but not limited to estimates, invoices, inventories, notes, correspondence, and/or photographs.

# **CERTIFICATE OF SERVICE**

I hereby certify that, on October 17, 2008, service of the foregoing Notice of Removal of Subpoena was made via First Class mail, with postage prepaid, to the following:

Claudia D. McCarron Nelson Levine de Luca & Horst, LLC 518 Township Line Road, Ste. 300 Blue Bell, Pa. 19422

Attorney for Dynamic Corporation

Susan L. Giles Assistant Attorney General 441 - 4<sup>th</sup> Street, NW Sixth Floor South Washington, D.C. 20001-2714

Attorney for Defendants, District of Columbia and Robert Noel

Allan Noble Budow and Noble, P.C. 7315 Wisconsin Avenue #500W Bethesda, MD 20814

Attorney for Defendant Stephen Ortado

Tameka Collier Troutman Sanders LLP 401 9th Street, NW Washington, D.C. 20004

Attorney for Defendant Wagner Spray Tech Corporation

Frederick Douglas Douglas & Boykin, PLLC 1850 M. Street, N.W. Washington, D.C. 20036

Attorney for Defendant District of Columbia Water & Sewer Authority

Jonathan Rolfe Lee & McShane, PC 1211 Connecticut Avenue, NW Washington, D.C. 20036

Attorney for Defendant Grotheer & Co., P.C. and Rippeteau Architects, P.C.

James Jordan Jordan, Coyne & Savits, LLP Suite 600 Washington, D.C. 20036

Attorney for Defendant Two Brothers Contracting, Inc.

JEREMY S. SIMON

Assistant United States Attorney

least equivalent to the GS-9 level which is in or directly related to the line of work of the position to be filled and which has equipped the applicant with the particular knowledge, skills, and abilities to successfully perform the duties of the position. Specialized experience includes experience researching, identifying and resolving legal and factual issues in cases directed by an attorney; researching legal statutes and precedents related to local, state or federal laws; preparing legal documents; and utilizing any automated system to retreive data and provide assistance.

SUBSTITUTION OF EDUCATION FOR EXPERIENCE: Experience requirements at the GS-11 level may be met by three (3) full academic years of graduate level education or the successful completion of a Ph.D. or equivalent doctoral degree, or completion of all requirements for an LL.M.

COMBINATION OF EDUCATION AND EXPERIENCE: Equivalent combinations of successfully completed education and experience may be used to meet the experience requirements.

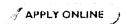
See Other Information for further requirements.

#### **HOW YOU WILL BE EVALUATED:**

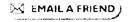
Top A

You will be rated based on your qualifications for this position as evidenced by the education, experience and training you report relative to this position which shows that you possess the knowledges, skills and abilities required. Paid or unpaid experience will be considered.

Bugk to Seurch Results



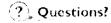






া Send Mail

Send Mail to: **CSOSA** 1145 Broadway Plaza Suite 800 Tacoma, Washington 98402



For questions about this job:

AVUE Help Desk

Phone: 253-573-1877 ext. 209 Fax: 202.220.5615

Email:

www.avuedigitalservices.com/csosa

US

Fax: 202.220.5615

USAJOSS Central Number: 1371928

EEO Policy Statement | Reasonable Accommodation Policy Statement | Veterans Information Legal and Regulatory Guidance

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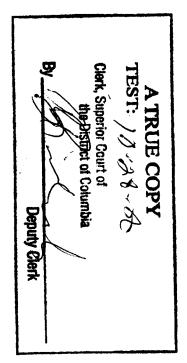
CRTR5925

Summary

| Case Number         | <u>Status</u>                      | Judge            |
|---------------------|------------------------------------|------------------|
| 2008 CA 003264 B    | Reopen (RO)                        | BARTNOFF, JUDITH |
| In The Matter Of    |                                    | Action           |
| DYNAMIC CORPORATION | Vs. THE DISTRICT OF COLUMBIA et al | Complaint for    |

Declaratory
Judgment Filed

| Party<br>DYNAMIC CORPORATION                                  | PLNTF              | Attorneys<br>VOGRIN Jr, Mr GEORGE J |
|---|--------------------|-------------------------------------|
| THE DISTRICT OF COLUMBIA                                      | DFNDT              | FOLTZ, Mr THOMAS J                  |
| NOEL, ROBERT<br>THE DISTRICT OF COLUMBIA                      | DFNDT<br>CO        | FOLTZ, Mr THOMAS J                  |
| GROTHEER & CO., P.C.  | DFNDT              | ROLFE, Mr JONATHAN P                |
| RIPPETEAU ARCHITECTS, P.C.                                    | DFNDT              | ROLFE, Mr JONATHAN P                |
| ORTADO, STEPHEN<br>HISTORIC STRUCTURES<br>HISTORIC STRUCTURES | DFNDT<br>DBA<br>TA | NOBLE, Mr ALLAN A A                 |
| WAGNER SPRAY TECH CORPORATION                                 | DFNDT              | COLLIER, TAMEKA M                   |
| DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY                | DFNDT              | DOUGLAS, Mr FREDERICK A             |



TWO BROTHERS CONTRACTING, INC.
TWO BROTHERS CONSTRUCTION, INC.

DFNDT AKA

JORDAN, Mr JAMES F

OFFICE OF THE ATTORNEY GENERAL

DFNDT

 $\frac{\texttt{Opened}}{\texttt{04/22/2008}}$ 

<u>Disposed</u> <u>Undisposed</u>

 $\frac{\texttt{Case Type}}{\texttt{Civil II}}$ 

### Comments:

| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr   | Amount Owed/<br>Amount Dismissed | Balance Due |
|-----|----------|--|----------------------------------|-------------|
| 1   | 04/22/08 | Complaint for Declaratory Judgment Filed Receipt: 102656 Date: 04/28/2008 Receipt: 102657 Date: 04/28/2008   | 120.00                           | 0.00        |
| 2   | 04/22/08 | Event Scheduled Event: Initial Scheduling Conference-60 Date: 07/25/2008 Time: 9:30 am Judge: ANDERSON, JENNIFER M Location: Courtroom A-50  Result: Scheduling Conference Hearing Continued | 0.00                             | 0.00        |

3 04/22/08 Alias Summons Filed Receipt: 102656

Date: 04/28/2008

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CRTR5925

Summary

2008 CA 003264 B DYNAMIC CORPORATION Vs. THE DISTRICT OF COLUMBIA et al

No. Date of Pleadings Filed, Orders and Decrees Amount Owed/ Balance Due Journal Book-Page-Nbr Ref Nbr Amount Dismissed

04/29/08 Issue Date: 04/29/2008

Service: Summons Issued Method: Service Issued

Cost Per: \$

THE DISTRICT OF COLUMBIA John A. Wilson Building 1350 Pennsylvania Avenue NW WASHINGTON, DC 20004 Tracking No: 5000047779

NOEL, ROBERT John A. Wilson Building 1350 Pennsylvania Avenue NW WASHINGTON, DC 20004 Tracking No: 5000047780

GROTHEER & CO., P.C. 1612 K Street NW Suite LL WASHINGTON, DC 20006 Tracking No: 5000047781

RIPPETEAU ARCHITECTS, P.C. 1530 14th Street NW WASHINGTON, DC 20005 Tracking No: 5000047782

ORTADO, STEPHEN 3711 Cumberland Street NW WASHINGTON, DC 20018 Tracking No: 5000047783

WAGNER SPRAY TECH CORPORATION 1770 Fernbrook Lane MINNEAPOLIS, MN 55447 Tracking No: 5000047784

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY 5000 Overlook Avenue, SW WASHINGTON, DC 20032 Tracking No: 5000047785

TWO BROTHERS CONTRACTING, INC. 5133 B Lawrence Place HYATTSVILLE, MD 20781 Tracking No: 5000047786

OFFICE OF THE ATTORNEY GENERAL 441 4th Street NW 6th Floor WASHINGTON, DC 20001 Tracking No: 5000047787

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Summary

| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr   | Amount<br>Amount | Owed/<br>Dismissed | Balance | Due  |
|-----|----------|--|------------------|--------------------|---------|------|
| 5   | 05/27/08 | Defendant Stephen Ortado D/B/A Historic Structures Motion to Dismiss Filed. Submitted 05/27/2008 11:27. sams. Attorney: NOBLE, Mr ALLAN A A (166926) STEPHEN ORTADO (Defendant); Receipt: 105189 Date: 05/28/2008                                    |                  | 20.00              |         | 0.00 |
| 6   | 05/27/08 | Additional eFiling Document to Defendant Stephen Ortado D/B/A Historic Structures Motion to Dismiss Filed. Submitted 05/27/2008 11:27. sams. Attorney: NOBLE, Mr ALLAN A A (166926) STEPHEN ORTADO (Defendant);                                      |                  | 0.00               |         | 0.00 |
| 7   | 05/27/08 | Answer of Defendant Wagner Spray Tech<br>Corporation Filed. Submitted 05/27/2008<br>16:31. ts.<br>Attorney: COLLIER, TAMEKA M (488979)<br>WAGNER SPRAY TECH CORPORATION (Defendant);   |                  | 0.00               |         | 0.00 |
| 8   | 05/27/08 | Defendant Wagner Spray Tech Corporation's Rule 7.1 Financial Disclosure Statement filed. Submitted 05/27/2008 17:13. ts. Attorney: COLLIER, TAMEKA M (488979)  |                  | 0.00               |         | 0.00 |
| 9   | 05/28/08 | Withdrawal and Entry of Appearance Filed. Submitted 05/28/2008 15:54. ajm Attorney: VOGRIN Jr, Mr GEORGE J (456892) DYNAMIC CORPORATION (PLAINTIFF);   |                  | 0.00               |         | 0.00 |
| 10  | 05/30/08 | Rule 7.1 Disclosure Statement. Filed. Submitted. 05/30/2008 15:36. ars. Attorney: NELSON, MICHAEL R. (980675)  |                  | 0.00               |         | 0.00 |
| 11  | 06/10/08 | Answer of Plaintiff Dynamic Corproation in Opposition to the Motion to Dismiss of Defendant Stephen Ortado d/b/a Historic Structures Filed. submitted. 06/10/2008 14:25. plt. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF); |                  | 0.00               |         | 0.00 |
| 12  |          | Additional eFiling Document to Answer of Plaintiff Dynamic Corproation in Opposition to the Motion to Dismiss of Defendant Stephen Ortado d/b/a Historic Structures Filed. submitted. 06/10/2008 14:25. plt. Attorney: NELSON, MICHAEL R. (980675)   |                  | 0.00               |         | 0.00 |
| 13  |          | Notice of Acknowledgment of Receipt of<br>Summons and Complaint on<br>RIPPETEAU ARCHITECTS, P.C. (Defendant);  |                  | 0.00               |         | 0.00 |

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Summary

2008 CA 003264 B DYNAMIC CORPORATION Vs. THE DISTRICT OF COLUMBIA et al

|    |          | Journal Book-Page-Nbr Ref Nbr   | Amount | Dismissed | <br>Due |
|----|----------|---|--------|-----------|---------|
| 14 | 06/13/08 | Proof of Service  Method : Service Issued Issued : 04/29/2008 Service : Summons Issued Served : 05/05/2008 Return : 06/13/2008 On : RIPPETEAU ARCHITECTS, P.C. Signed By :  |        | 0.00      | 0.00    |
|    |          | Reason : Proof of Service<br>Comment :  |        |           |         |
|    |          | Tracking #: 5000047782  |        |           |         |
| 15 | 06/13/08 | Notice of Acknowledgment of Service Filed GROTHEER & CO., P.C. (Defendant);   |        | 0.00      | 0.00    |
| 16 | 06/16/08 | Answer of Plaintiff Dynamic Corporation to the Affirmative Defenses of Defendant Wagner Spray Tech Corporation Filed. Submitted 6/16/2008 15:36. ts. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF); |        | 0.00      | 0.00    |
| 17 | 06/17/08 | Motion for Extension of Time for Servcie of Summons, Complaint and Initial Order Upon Defendant Robert Noel Filed. Submitted 06/17/2008 16:16. ts. Attorney: NELSON, MICHAEL R. (980675) Receipt: 107032 Date: 06/18/2008   |        | 20.00     | 0.00    |
| 18 | 06/17/08 | Additional eFiling Document to Motion for Extension of Time for Servcie of Summons, Complaint and Initial Order Upon Defendant Robert Noel Filed. Submitted 06/17/2008 16:16. ts.   |        | 0.00      | 0.00    |
| 19 | 06/19/08 | Affidavit of Service of Summons & Complaint by certified mai lon THE DISTRICT OF COLUMBIA (Defendant);  |        | 0.00      | 0.00    |
| 20 | 06/19/08 | Proof of Service  Method: Service Issued Issued: 04/29/2008 Service: Summons Issued Served: 05/08/2008 Return: 06/19/2008 On: THE DISTRICT OF COLUMBIA Signed By:  Reason: Proof of Service Comment:                        |        | 0.00      | 0.00    |

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Summary

| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount<br>Amount | Owed/<br>Dismissed | Balance | Due  |
|-----|----------|---|------------------|--------------------|---------|------|
| 21  | 06/19/08 | Affidavit of Service of Summons & Complaint on OFFICE OF THE ATTORNEY GENERAL (Defendant),  | ;                | 0.00               |         | 0.00 |
| 22  | 06/19/08 | Proof of Service  Method : Service Issued Issued : 04/29/2008 Service : Summons Issued Served : 05/12/2008 Return : 06/19/2008 On : OFFICE OF THE ATTORNEY GENERAL Signed By : via Certified Mail   |                  | 0.00               |         | 0.00 |
|     |          | Reason : Proof of Service Comment : Tracking #: 5000047787  |                  |                    |         |      |
| 23  | 06/19/08 | Affidavit of Service of Summons & Complaint on OFFICE OF THE ATTORNEY GENERAL (Defendant);  |                  | 0.00               |         | 0.00 |
| 24  | 06/23/08 | Defendant Stephen Ortado b/d/a Historic Structures' Reply to Plaintiff's Opposition to Defendant Ortado's Motion to Dismiss Filed. submitted 06/23/2008 15:05. tw Attorney: NOBLE, Mr ALLAN A A (166926) STEPHEN ORTADO (Defendant);        |                  | 0.00               |         | 0.00 |
| 25  | 06/23/08 | Affidavit of Service of Summons & Complaint on TWO BROTHERS CONTRACTING, INC. (Defendant);  |                  | 0.00               |         | 0.00 |
| 26  | 06/23/08 | Proof of Service  Method : Service Issued Issued : 04/29/2008 Service : Summons Issued Served : 06/17/2008 Return : 06/23/2008 On : TWO BROTHERS CONTRACTING, INC. Signed By :  Reason : Proof of Service Comment :  Tracking #: 5000047786 |                  | 0.00               |         | 0.00 |
| 27  |          | Affidavit of Service of Summons & Complaint on ROBERT NOEL (Defendant);   |                  | 0.00               |         | 0.00 |

Date: 10/28/2008 15:39:13 Docket Sheet

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| 2008 | CA 00326 | 4 B | DYNAM  | IC C | ORPORATION | V S | THE   | DISTRICT | OF  | COLUMBIA   | et | al |         |     |
|------|----------|-----|--------|------|------------|-----|-------|----------|-----|------------|----|----|---------|-----|
| No.  | Date of  | Ple | adings | File | d, Orders  | and | Decre | es       | Amo | ount Owed, | /  |    | Balance | Due |

| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount<br>Amount | Owed/<br>Dismissed | Balance | Due  |
|-----|----------|---|------------------|--------------------|---------|------|
| 28  | 06/23/08 | Proof of Service  Method : Service Issued Issued : 04/29/2008 Service : Summons Issued Served : 06/18/2008 Return : 06/23/2008 On : NOEL, ROBERT Signed By :  |                  | 0.00               |         | 0.00 |
|     |          | Reason : Proof of Service<br>Comment :  |                  |                    |         |      |
|     |          | Tracking #: 5000047780  |                  |                    |         |      |
| 29  | 06/27/08 | Defendan DC WASA Answer to Plaintiff's Dynamic Corporations Complaint Filed. submitted 06/27/2008 18:30. ksc Attorney: O'CONNELL, MONICA (976904) DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY (Defendant);               |                  | 0.00               |         | 0.00 |
| 30  | 07/02/08 | Affidavit of Service of Summons & Complaint by certified mail on DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY (Defendant);  |                  | 0.00               |         | 0.00 |
| 31  | 07/02/08 | Proof of Service  Method : Service Issued Issued : 04/29/2008 Service : Summons Issued Served : 05/14/2008 Return : 07/02/2008 On : DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY Signed By : Jerry Johnson                |                  | 0.00               |         | 0.00 |
|     |          | Reason : Proof of Service<br>Comment :  |                  |                    |         |      |
|     |          | Tracking #: 5000047785  |                  |                    |         |      |
| 32  | 07/02/08 | Affidavit of Service of Summons & Complaint on THE DISTRICT OF COLUMBIA (Defendant);  |                  | 0.00               |         | 0.00 |
| 33  | 07/03/08 | Entry of Appearance. Filed. Submitted. 07/03/2008 15:51. ars. Attorney: FOLTZ, Mr THOMAS J (462858) THE DISTRICT OF COLUMBIA (Defendant); ROBERT NOEL (Defendant);  |                  | 0.00               |         | 0.00 |
| 34  | 07/03/08 | Sur Reply of Plaintiff Dynamic Corporation in Response to Defendant Stephen Ortado d/b/a Historic Structures' Reply to Plaintiff's Opposition to Defendant Ortado's Motion to Dismiss Filed. submitted 07/03/2008 12:31. tw |                  | 0.00               |         | 0.00 |

Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF);

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Summary

| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr   | Amount Owed/<br>Amount Dismiss | Balance<br>ed | Due  |
|-----|----------|--|--------------------------------|---------------|------|
| 35  | 07/03/08 | Defendants District of Columbia's and Robert Noel's Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim. Filed. Submitted. 07/03/2008 16:00. ars. Attorney: FOLTZ, Mr THOMAS J (462858) THE DISTRICT OF COLUMBIA (Defendant); ROBERT NOEL (Defendant);             | 20.00                          |               | 0.00 |
|     |          | ROBERT NOEE (Defendant),   | 20.00                          |               |      |
| 36  | 07/03/08 | Additional eFiling Document to Defendants District of Columbia's and Robert Noel's Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim. Filed. Submitted. 07/03/2008 16:00. ars. Attorney: FOLTZ, Mr THOMAS J (462858)   | 0.00                           |               | 0.00 |
| 37  | 07/03/08 | Answer and Affirmative Defenses to Complaint. Filed. Submitted. 07/03/2008 09:15. ncv. Attorney: JORDAN, Mr JAMES F (006569) TWO BROTHERS CONTRACTING, INC. (Defendant);   | 0.00                           |               | 0.00 |
| 38  | 07/07/08 | Defendants Grotheer & Company, P.C.'s and Rippeteau Architects, P.C.'s Joint Motion to Dismiss Filed. Submitted 07/07/2008 14:18. sams. Attorney: ROLFE, Mr JONATHAN P (474296) GROTHEER & CO., P.C. (Defendant); RIPPETEAU ARCHITECTS, P.C. (Defendant); Receipt: 108623 Date: 07/08/2008 | 20.00                          |               | 0.00 |
| 39  | 07/08/08 | Motion to Admit Attorney Pro Hac Vice<br>Filed. Submitted 07/08/2008 15:03. ts.<br>Attorney: NELSON, MICHAEL R. (980675)<br>Receipt: 108766 Date: 07/09/2008   | 20.00                          |               | 0.00 |
| 40  | 07/10/08 | Order Denying Motion to Admit Attorney Pro Hac Vice Entered on the Docket 7/10/08. Signed by Judge Anderson 7/9/08. Copies efiled 7/10/08.dsd  | 0.00                           |               | 0.00 |
| 41  | 07/10/08 | Order Denying Motion to Admit Attorney Pro Hac Vice. Signed by Judge J. Anderson on 07/09/08. Submitted. 07/10/2008 08:48 ncv.   | 0.00                           |               | 0.00 |
| 42  | 07/10/08 | Proof of Service to Order Denying Motion to Admit Attorney Pro Hac Vice. Signed by Judge J. Anderson on 07/09/08. Submitted. 07/10/2008 08:48 ncv.   | 0.00                           |               | 0.00 |
| 43  |          | Answer of Plaintiff Dynamic Corporation to<br>the Affirmative Defenses of Defendant the<br>District of Columbia Water and Sewer<br>Authority Filed. submitted 07/10/2008<br>12:19. tw<br>Attorney: NELSON, MICHAEL R. (980675)<br>DYNAMIC CORPORATION (PLAINTIFF);                         | 0.00                           |               | 0.00 |

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Summary

| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount<br>Amount | Owed/<br>Dismissed | Balance | Due  |
|-----|----------|---|------------------|--------------------|---------|------|
| 44  | 07/14/08 | Rule 7.1 Disclosure Statement. Filed. Submitted. 07/14/2008 10:19. ncv. Attorney: ROLFE, Mr JONATHAN P (474296) GROTHEER & CO., P.C. (Defendant);   |                  | 0.00               |         | 0.00 |
| 45  | 07/14/08 | Rule 7.1 Disclosure Statement. Filed.<br>Submitted. 07/14/2008 10:21. ncv.<br>Attorney: ROLFE, Mr JONATHAN P (474296)<br>RIPPETEAU ARCHITECTS, P.C. (Defendant);  |                  | 0.00               |         | 0.00 |
| 46  | 07/14/08 | Praecipe to Enter Appearance Filed.<br>submitted 07/14/2008 14:16. tw<br>Attorney: DOUGLAS, Mr FREDERICK A (197897)<br>DISTRICT OF COLUMBIA WATER AND SEWER<br>AUTHORITY (Defendant);   |                  | 0.00               |         | 0.00 |
| 47  | 07/18/08 | Rule 7.1 Disclosure Statement Filed.<br>Submitted 07/18/2008 15:29 jhc.<br>Attorney: JORDAN, Mr JAMES F (006569)<br>TWO BROTHERS CONTRACTING, INC. (Defendant);   |                  | 0.00               |         | 0.00 |
| 18  | 07/18/08 | Answer of Plaintiff Dynamic Corporation in Opposition to the Joint Motion to Dismiss of Defendants Grotheer & Company, P.C. and Rippeteau Architects, P.C. Filed. Submitted 07/18/2008 15:33 jhc. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF);                                |                  | 0.00               |         | 0.00 |
| 19  | 07/18/08 | Additional eFiling Document to Answer of Plaintiff Dynamic Corporation in Opposition to the Joint Motion to Dismiss of Defendants Grotheer & Company, P.C. and Rippeteau Architects, P.C. Filed. Submitted 07/18/2008 15:33 jhc. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF); |                  | 0.00               |         | 0.00 |
| 50  |          | Consent Motion to Admit Attorney Pro Hac Vice Claudia D. McCarron Esq Filed. submitted 07/18/2008 16:40. ksc Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF); Receipt: 109847 Date: 07/21/2008  |                  | 20.00              |         | 0.00 |
| 51  |          | Additional eFiling Document to Consent Motion to Admit Attorney Pro Hac Vice Claudia D. McCarron Esq Filed. submitted 07/18/2008 16:40. ksc Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF);  |                  | 0.00               |         | 0.00 |

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Summary

| 2008 CA 003264 B DYNAMIC CORPORATION | Vs. | THE | DISTRICT | OF | COLUMBIA | et | al |  |
|--------------------------------------|-----|-----|----------|----|----------|----|----|--|
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| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount<br>Amount | Owed/<br>Dismissed | Balance | Due  |
|-----|----------|---|------------------|--------------------|---------|------|
| 52  | 07/18/08 | Opposition to Defendant DC's and Robert Noel's Motion to Dismiss for lack of Jurisdiction and Failure to State a Claim. Filed. Submitted. 07/18/2008 15:18. ncv. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF); |                  | 0.00               |         | 0.00 |
| 53  | 07/18/08 | Additional eFiling Document to Opposition to Defendant DC's and Robert Noel's Motion to Dismiss for lack of Jurisdiction and Failure to State a Claim. Filed. Submitted. 07/18/2008 15:18. ncv. Attorney: NELSON, MICHAEL R. (980675)   |                  | 0.00               |         | 0.00 |
| 54  | 07/23/08 | Event Scheduled Event: Scheduling Conference Hearing Date: 09/12/2008 Time: 9:30 am Judge: ANDERSON, JENNIFER M Location: Courtroom A-50  |                  | 0.00               |         | 0.00 |
|     |          | Result: Event Scheduled in Error  |                  |                    |         |      |
| 55  | 07/23/08 | Event Resulted:<br>The following event: Scheduling Conference<br>Hearing scheduled for 09/12/2008 at 9:30<br>am has been resulted as follows:   |                  | 0.00               |         | 0.00 |
|     |          | Result: Event Scheduled in Error Judge: ANDERSON, JENNIFER M Location: Courtroom A-50   |                  |                    |         |      |
| 56  | 07/23/08 | Notice of Hearing Mailed Next Business Day  |                  | 0.00               | 1       | 0.00 |
|     |          | Notice Of Hearing<br>Sent on: 07/23/2008 15:22:01   |                  |                    |         |      |
| 57  |          | Event Scheduled<br>Event: Scheduling Conference Hearing   |                  | 0.00               | (       | 0.00 |
|     |          | Attorney Susan Jiles from the DC OAG represented to the court that all parties have consented to the continuation of the 7/25/08 ISC. New date selected by the courtSMM, 7/23/08.   |                  |                    |         |      |
|     | •        | Date: 09/12/2008 Time: 9:30 am<br>Judge: ANDERSON, JENNIFER M Location:<br>Courtroom A-50   |                  |                    |         |      |
|     | 1        | Result: Event Vacated Per Recusal Order:  |                  |                    |         |      |
|     |          |   |                  |                    |         |      |

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2008 CA 003264 B DYNAMIC CORPORATION Vs. THE DISTRICT OF COLUMBIA et al

| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount Owed/<br>Amount Dismissed | Balance Due |
|-----|----------|---|----------------------------------|-------------|
| 58  | 07/23/08 | Event Resulted:<br>The following event: Initial Scheduling<br>Conference-60 scheduled for 07/25/2008 at<br>9:30 am has been resulted as follows:  | 0.00                             | 0.00        |
|     |          | Result: Scheduling Conference Hearing<br>Continued<br>Judge: ANDERSON, JENNIFER M Location:<br>Courtroom A-50   |                                  |             |
| 59  | 07/29/08 | Order of Recusal Entered on the Docket 7/29/08, Signed by Judge Anderson 7/29/08, Efiled 7/29/08, Copies and action form delivered to Clerk's office 7/29/08.   | 0.00                             | 0.00        |
| 60  | 07/29/08 | Order Sua Sponte to/for: Order of Recusal. Entered on Docket. Signed by Judge J. Anderson on 07/29/08. Submitted. 07/29/2008 16:02. ncv.  | 0.00                             | 0.00        |
| 61  | 07/29/08 | Proof of Service to Order Sua Sponte to/for: Order of Recusal. Entered on Docket. Signed by Judge J. Anderson on 07/29/08. Submitted. 07/29/2008 16:02. ncv.  | 0.00                             | 0.00        |
| 62  | 07/30/08 | Case Transferred Because of Recusal The judge was changed from ANDERSON, JENNIFER M to BECK, RONNA L; Case reassigned per order of recusal singed by J/ Anderson on 7/29/2008. tw   | 0.00                             | 0.00        |
| 63  | 07/30/08 | Consent Motion for Special Admission of John S. Wilson Pro Hac Vice Filed. Submitted 07/30/2008 16:32 jhc. Attorney: JORDAN, Mr JAMES F (006569) TWO BROTHERS CONTRACTING, INC. (Defendant); Receipt: 110932 Date: 07/31/2008 | 20.00                            | 0.00        |
| 64  |          | Additional eFiling Document to Consent Motion for Special Admission of John S. Wilson Pro Hac Vice Filed. Submitted 07/30/2008 16:32 jhc. Attorney: JORDAN, Mr JAMES F (006569) TWO BROTHERS CONTRACTING, INC. (Defendant);   | 0.00                             | 0.00        |
| 65  | 08/01/08 | Notice of Hearing Mailed Next Business Day  | 0.00                             | 0.00        |
|     |          | Notice Of Hearing<br>Sent on: 08/01/2008 12:03:12   |                                  |             |

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| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr   | Amount<br>Amount | Owed/<br>Dismissed | Balance Du | ue   |
|-----|----------|--|------------------|--------------------|------------|------|
| 66  | 08/01/08 | Event Scheduled per recusal order of Judge Jennifer M. Anderson dated July 29, 2008. (V.R.Y.) Event: Scheduling Conference Hearing Date: 09/12/2008 Time: 9:30 am Judge: BECK, RONNA L Location:   |                  | 0.00               | 0.         | .00  |
|     |          | Courtroom 518  Result: Scheduling Conference Hearing Continued   |                  |                    |            |      |
| 67  | 08/01/08 | Event Resulted:<br>The following event: Scheduling Conference<br>Hearing scheduled for 09/12/2008 at 9:30<br>am has been resulted as follows:  |                  | 0.00               | 0.         | .00  |
|     |          | Result: Event Vacated Per Recusal Order: Of Judge Jennifer Anderson dated July 29, 2008. (V.RY.) Judge: ANDERSON, JENNIFER M Location: Courtroom A-50  |                  |                    |            |      |
| 68  | 08/07/08 | Order Granting Consent Motions to Admit Attorney Pro Hac Vice. Signed by Judge Beck 8-6-08. Efiled, eserved, and docketed 8-7-08. Copies mailed from chambers 8-7-08. img  |                  | 0.00               | 0.         | .00  |
| 69  | 08/07/08 | Order Granting Consent Motion for<br>Admission PRO HAC VICE Submitted<br>08/07/2008 12:20 wjw. Signed by Judge<br>Ronna Lee Beck on August 6, 2008.  |                  | 0.00               | 0.         | . 00 |
| 70  | 08/07/08 | Proof of service to Order Granting Consent<br>Motion for Admission PRO HAC VICE<br>Submitted 08/07/2008 12:20 wjw. Signed by<br>Judge Ronna Lee Beck on August 6, 2008.  |                  | 0.00               | 0.         | 00   |
| 71  | 08/11/08 | Order Sua Sponte Requiring Supplemental Memoranda and Scheduling Status Hearing, signed by J/Beck on 8/11/08; efiled, counsel eserved, and docketed on 8/11/08. Copies mailed from chambers on 8/11/08 to George W. Soule, Esq., John Wilson, Esq. and Office of the Attorney General. sbg |                  | 0.00               | 0.0        | 00   |
| 72  |          | Event Resulted:<br>The following event: Scheduling Conference<br>Hearing scheduled for 09/12/2008 at 9:30<br>am has been resulted as follows:  |                  | 0.00               | 0.0        | 00   |
|     |          | Result: Scheduling Conference Hearing<br>Continued<br>Judge: BECK, RONNA L Location:<br>Courtroom 518  |                  |                    |            |      |

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| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr   | Amount Owed/<br>Amount Dismissed | Balance Due |
|-----|----------|--|----------------------------------|-------------|
| 73  | 08/11/08 | Event Scheduled Event: Scheduling Conference Hearing Date: 09/12/2008 Time: 10:30 am Judge: BECK, RONNA L Location: Courtroom 518  | 0.00                             | 0.00        |
|     |          | Result: Scheduling Conference Hearing Held   |                                  |             |
| 74  | 08/11/08 | Order Requiring Supplemental Memoranda and Scheduling Status Hearing Signed by Judge Beck on 08/11/2008 12:51. tw  | 0.00                             | 0.00        |
| 75  | 08/11/08 | Proof of Service to Order Requiring<br>Supplemental Memoranda and Scheduling<br>Status Hearing Signed by Judge Beck on<br>08/11/2008 12:51. tw   | 0.00                             | 0.00        |
| 76  | 08/26/08 | Defendant Stephen Ortado D/B/A Historic Structures' Supplemental Memorandum Pursuant to Court's Order of August 11,2008 Filed. submitted 08/26/2008 15:20. ck Attorney: NOBLE, Mr ALLAN A A (166926) STEPHEN ORTADO (Defendant);                         | 0.00                             | 0.00        |
| 77  | 09/03/08 | Supplemental Memorandum in Support of the Joint Motion to Dismiss of Grotheer & Company, P.C. and Rippeteau Architects, P.C. Filed. Submitted 09/03/2008 15:53 jhc. GROTHEER & CO., P.C. (Defendant); RIPPETEAU ARCHITECTS, P.C. (Defendant);            | 0.00                             | 0.00        |
| 78  |          | Two Brothers Contracting, Inc's a/k/a Two Brothers Construction, Inc.'s Memorandum Pursuant to Court's Order of August 11, 2008 Filed. Submitted 09/03/2008 16:25 jhc. Attorney: JORDAN, Mr JAMES F (006569) TWO BROTHERS CONTRACTING, INC. (Defendant); | 0.00                             | 0.00        |
| 79  |          | District of Columbia Water and Sewer<br>Authority's Motion to Join the Defedants'<br>Motions to Dismiss. Filed. Submitted.<br>09/03/2008 18:07. ars.<br>Attorney: O'CONNELL, MONICA (976904)<br>Receipt: 113871 Date: 09/04/2008                         | 20.00                            | 0.00        |
| 80  |          | Defendant the District of Columbia Water and Sewer Authority's Memorandum of Law. Filed. Submitted. 09/03/2008 18:11. ars. Attorney: O'CONNELL, MONICA (976904)  | 0.00                             | 0.00        |

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| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount<br>Amount | Owed/<br>Dismissed | Balance | Due  |
|-----|----------|---|------------------|--------------------|---------|------|
| 81  | 09/05/08 | Defendants' District of Columbia and<br>Robert Noel's Supplemental Memorandum to<br>Court's Order of August 11, 2008 filed<br>submitted. 09/05/2008 12:33. plt.<br>Attorney: MATTHEWS JOHNSON, KIMBERLY C<br>(435163)<br>THE DISTRICT OF COLUMBIA (Defendant);  |                  | 0.00               |         | 0.00 |
| 82  | 09/05/08 | Substitute of Appearance Filed. submitted. 09/05/2008 12:44. plt. Attorney: GILES, SUSAN L. (978002) THE DISTRICT OF COLUMBIA (Defendant); ROBERT NOEL (Defendant);   |                  | 0.00               |         | 0.00 |
| 83  | 09/05/08 | Defendants' District of Columbia and Robert Noel's Supplemental Memorandum Pursuant to Court's Order of August 11, 2008 filed submitted. 09/05/2008 12:46. plt. Attorney: MATTHEWS JOHNSON, KIMBERLY C (435163) THE DISTRICT OF COLUMBIA (Defendant); ROBERT NOEL (Defendant);  |                  | 0.00               |         | 0.00 |
| 4   | 09/11/08 | Opposition to Defendant DCWASA's Motion to Join the Defendant's Motion to Dismiss. Filed. Submitted. 09/11/2008 10:40. ncv. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF);  |                  | 0.00               |         | 0.00 |
| 5   |          | Additional eFiling Document to Opposition to Defendant DCWASA's Motion to Join the Defendant's Motion to Dismiss. Filed. Submitted. 09/11/2008 10:40. ncv. Attorney: NELSON, MICHAEL R. (980675)  |                  | 0.00               |         | 0.00 |
| 6   |          | Track 3 - Case Evaluation Scheduling Order Entered on the Docket  DCM Track Track 3 - Case Evaluation was added on 09/12/2008 with the following milestone(s):  Deadline For Discovery Request T3 due 12/11/2008  Exchange Witness Lists T3 due 12/11/2008  Proponent's Rule 26(b) (4) Statement T3 due 12/26/2008  Opponent's Rule 26(b) (4) Statement T3 due 01/30/2009  Discovery Closed T3 due 03/11/2009  Deadline For Filing Motions T3 due 03/26/2009  Dispositive Motions Decided T3 due 04/27/2009  ADR - Case Eval T3-1 due 05/11/2009  ADR - Case Eval T3-2 due 06/09/2009  Pretrial T3 due 07/09/2009 |                  | 0.00               |         | 0.00 |

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2008 CA 003264 B DYNAMIC CORPORATION Vs. THE DISTRICT OF COLUMBIA et al

| No. | Date of | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr                                       | Owed/<br>Dismissed | Balance | Due  |
|-----|---------|--|--------------------|---------|------|
| 87  |         | Event Resulted:<br>The following event: Scheduling Conference<br>Hearing scheduled for 09/12/2008 at 10:30 | 0.00               |         | 0.00 |

Result: Scheduling Conference Hearing Held (COURTROOM 518-CourtSmart) Counsel for all parties present. Scheduling Conference Hearing Held. Case placed on Track 3-Med. Order signed and filed. Copies of order given to counsel in open court. The court proceeded to ruling on pending motions. All of the Motions to Dismiss filed by the Defendants concerning Count 1 Declaratory Judgment are DENIED. The District of Columbia's Motion to Dismiss Count 2 concerning Spoliation is GRANTED without prejudice to Plaintiff seeking appropriate remedies in the context of the litigation with D.C. for alleged destruction of evidence. Defendant District of Columbia's Motion to Dismiss Count 4 concerning Vicarious Liability and Respondiat Superior is GRANTED without prejudice to Plaintiff filing an Amended Complaint for failure to state a claim by September 26, 2008. District of Columbia Water and Sewer Authority's Motion to Join the Defendants' Motions to Dismiss is MOOT. JUDGE BECK / mr

am has been resulted as follows:

Judge: BECK, RONNA L Location: Courtroom 518 Mr JAMES F JORDAN (Attorney) on behalf of TWO BROTHERS CONTRACTING, INC. (Defendant); Mr ALLAN A A NOBLE (Attorney) on behalf of STEPHEN ORTADO (Defendant); Mr JONATHAN P ROLFE (Attorney) on behalf of GROTHEER & CO., P.C. (Defendant); MONICA O'CONNELL (Attorney) on behalf of DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY (Defendant); SUSAN L. GILES (Attorney) on behalf of THE DISTRICT OF COLUMBIA (Defendant); JOHN S WILSON (Attorney) on behalf of TWO BROTHERS CONTRACTING, INC. (Defendant); CLAUDIA D MCCARRON (Attorney) on behalf of DYNAMIC CORPORATION (PLAINTIFF) Participant(s): Judge RONNA L BECK

09/12/08 Oral Ruling on Written Motion Entered on the Docket - Defendant Stephen Ortado D/B/A Historic Structures Motion to Dismiss is DENIED per oral ruling in open court on 9/12/08.

JUDGE BECK / mr

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| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount<br>Amount | Owed/<br>Dismissed | Balance Due |
|-----|----------|---|------------------|--------------------|-------------|
| 89  | 09/12/08 | Oral Ruling on Written Motion Entered on<br>the Docket - Defendants District of<br>Columbia's and Robert Noel's Motion to<br>Dismiss for Lack of Jurisdiction and for<br>Failure to State a Claim is DENIED per<br>oral ruling in open court on 9/12/08.<br>JUDGE BECK / mr |                  | 0.00               | 0.0         |
| 90  | 09/12/08 | Oral Ruling on Written Motion Entered on<br>the Docket - Defendants Grotheer &<br>Company, P.C.'s and Rippeteau Architects,<br>P.C.S Joint Motion to Dismiss is DENIED<br>per oral ruling in open court on 9/12/08.<br>JUDGE BECK / mr                                      |                  | 0.00               | 0.00        |
| 91  | 09/12/08 | Oral Ruling on Written Motion Entered on<br>the Docket - District of Columbia Water<br>and Sewer Authority's Motion to Join the<br>Defendants' Motions to Dismiss is MOOT per<br>oral ruling in open court on 9/12/08.<br>JUDGE BECK / mr                                   |                  | 0.00               | 0.00        |
| 92  | 09/12/08 | Memorandum of Plaintiff in Response to the Supplemental Memorandum of Defendants Pursuant to the Court's Order of August 11, 2008. Filed. Submitted. 09/12/2008 09:49. ncv. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF);                          |                  | 0.00               | 0.00        |
| 93  | 09/12/08 | Additional eFiling Document to Memorandum of Plaintiff in Response to the Supplemental Memorandum of Defendants Pursuant to the Court's Order of August 11, 2008. Filed. Submitted. 09/12/2008 09:49. ncv. Attorney: NELSON, MICHAEL R. (980675)                            |                  | 0.00               | 0.00        |
| 94  |          | Certificate Regarding Discovery Filed.<br>Submitted 09/22/2008 13:33. ajm<br>Attorney: JORDAN, Mr JAMES F (006569)<br>TWO BROTHERS CONTRACTING, INC. (Defendant);   |                  | 0.00               | 0.00        |
| 95  |          | Notice to Counsel, signed by J/Beck on 9/24/08; efiled, counsel eserved, and docketed on 9/24/08. Copies mailed from chambers on 9/24/08 to John Wilson and George W. Soule sbg   |                  | 0.00               | 0.00        |
| 96  | •        | Order Sua Sponte to/for: Order Notice to<br>Counsel Entered on Docket. Submitted<br>09/24/2008 14:03. jmv. Signed by Judge<br>Beck on 9/24/08.  |                  | 0.00               | 0.00        |

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| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr   | Amount Owed/<br>Amount Dismissed | Balance Due |
|-----|----------|--|----------------------------------|-------------|
| 97  | 09/24/08 | Proof of Service to Order Sua Sponte to/for: Order Notice to Counsel Entered on Docket. Submitted 09/24/2008 14:03. jmv. Signed by Judge Beck on 9/24/08.  | 0.00                             | 0.00        |
| 98  | 09/24/08 | Certificate Regarding Discovery Filed submitted 09/24/2008 11:59 wjw. Attorney: JORDAN, Mr JAMES F (006569)  | 0.00                             | 0.00        |
| 99  | 09/25/08 | Answer of Stephen Ortado D/B/A Historic Structures filed submitted 09/25/2008 12:26 wjw. Attorney: NOBLE, Mr. ALLAN A A (166926) STEPHEN ORTADO (Defendant);   | 0.00                             | 0.00        |
| 100 | 09/25/08 | Additional eFiling Document to Answer of Stephen Ortado D/B/A Historic Structures Filed submitted 09/25/2008 12:26 wjw. Attorney: NOBLE, Mr. ALLAN A A (166926)  | 0.00                             | 0.00        |
| 101 | 09/26/08 | Answer to Complaint. Filed. Submitted. 09/26/2008 12:07. ncv. Attorney: ROLFE, Mr JONATHAN P (474296) GROTHEER & CO., P.C. (Defendant);  | 0.00                             | 0.00        |
| 102 | 09/26/08 | Answer to Complaint. Filed. Submitted. 09/26/2008 12:10. ncv. Attorney: ROLFE, Mr JONATHAN P (474296) RIPPETEAU ARCHITECTS, P.C. (Defendant);  | 0.00                             | 0.00        |
| 103 | 10/01/08 | SCR-Civil 59(e) Motion forRelief from Order Denying Defendants' Motion to Dismiss Court 1 of Plaintiff's Complaint. Filed. Submitted. 10/01/2008 08:14. ncv. Attorney: GILES, SUSAN L. (978002) THE DISTRICT OF COLUMBIA (Defendant); ROBERT NOEL (Defendant);   | 20.00                            | 0.00        |
|     |          |  | 20.00                            |             |
| 104 |          | Plaintiff Dynamic's Memorandum of Points and Authorities in Opposition to Defendants' SCR-Civil 60(B) Motion for Relief From Order Denying Defendants' Motion to Dismiss Count I of Plaintiff's Complaint Filed. Submitted 10/14/2008 15:29 jhc. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF);                                | 0.00                             | 0.00        |
| 105 |          | Additional eFiling Document to Plaintiff Dynamic's Memorandum of Points and Authorities in Opposition to Defendants' SCR-Civil 60(B) Motion for Relief From Order Denying Defendants' Motion to Dismiss Count I of Plaintiff's Complaint Filed. Submitted 10/14/2008 15:29 jhc. Attorney: NELSON, MICHAEL R. (980675) DYNAMIC CORPORATION (PLAINTIFF); | 0.00                             | 0.00        |

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| 2008 CA 003264 B DYNAMIC CORPORATION Vs. THE DISTR | TCL O | RICT | OF. | r tr | / <b>F</b> | OF. | - 01 | Ι. | л | CI | RICI | STRIC | DIST | , ! | ٠. | Ł | THE |  |  | ٧s. |  | ON | KATT | POI | JK. | CO | C | AM $T$ C | DYNAN | 1 | В | Ł | 64 | 10326 | 1 | $\cup_{P}$ | שטי | 20 |  |
|--|-------|------|-----|------|------------|-----|------|----|---|----|------|-------|------|-----|----|---|-----|--|--|-----|--|----|------|-----|-----|----|---|----------|-------|---|---|---|----|-------|---|------------|-----|----|--|
|--|-------|------|-----|------|------------|-----|------|----|---|----|------|-------|------|-----|----|---|-----|--|--|-----|--|----|------|-----|-----|----|---|----------|-------|---|---|---|----|-------|---|------------|-----|----|--|

| No. | Date of  | Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr Ref Nbr  | Amount<br>Amount | Owed/<br>Dismissed | Balance | Due  |
|-----|----------|--|------------------|--------------------|---------|------|
| 106 | 10/17/08 | Notice of Filing of Notice of Removal of<br>Subpoena Filed. Submitted 10/17/2008 16:53<br>jhc.<br>Attorney: SIMON, Mr JEREMY S (447956)  |                  | 0.00               |         | 0.00 |
| 107 | 10/17/08 | Additional efiling Document to Notice of Filing of Notice of Removal of Subpoena Filed. Submitted 10/17/2008 16:53 jhc. Attorney: SIMON, Mr JEREMY S (447956)  |                  | 0.00               |         | 0.00 |
| 108 | 10/17/08 | Notice of Removal to USDC Subpoena Only for The District of Columbia # 08MC673   |                  | 0.00               |         | 0.00 |
| 109 | 10/20/08 | Order Denying Defendants' District of Columbia and Robert Noel's SCR-Civil 59(e) Motion forRelief from Order Denying Defendants' Motion to Dismiss Court 1 of Plaintiff's Complaint, signed by J/Beck on 10/20/08; efiled, counsel eserved, and docketed on 10/20/08. sbg  |                  | 0.00               |         | 0.00 |
| 110 | 10/20/08 | Order Denying "Defendants' District of Columbia and Robert Noel's SCR-Civil 59(E) Motion for Relief from Order Denying Defendants' Motion to Dismiss Count I of Plaintiff's Complaint" submitted 10/20/2008 15:41. ajm. signed by Judge Beck on October 20, 2008.  |                  | 0.00               |         | 0.00 |
| 111 | 10/20/08 | Proof of Service to Order Denying "Defendants' District of Columbia and Robert Noel's SCR-Civil 59(E) Motion for Relief from Order Denying Defendants' Motion to Dismiss Count I of Plaintiff's Complaint" submitted 10/20/2008 15:41. ajm. signed by Judge Beck on October 20, 2008.  |                  | 0.00               |         | 0.00 |
| 112 | 10/25/08 | Case Reopened  |                  | 0.00               |         | 0.00 |
| 113 |          | Ordered that, pursuant to Superior Court Civil Rule 40-II(a), this case is designated Civil I and assigned to The Honorable Judith Bartnoff. It is FURTHER ORDERED that all orders previously issued in this case shall remain in force until amended or vacated by the newly assigned Civil I judge. It is FURTHER ORDERED that a Status Hearing in this matter is set for November 14, 2008 at 10: 00 a.m. before Judge Bartnoff in courtroom 200. The Order is signed by Judge Duncan-Peters October 27, 2008, entered on the docket, efiled, eserved and mailed to all parties October 28, 2008. |                  | 0.00               |         | 0.00 |

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| No. | Date of  | Pleadings Filed, Orders and Decrees<br>Journal Book-Page-Nbr Ref Nbr  | Amount Owed/<br>Amount Dismissed | Balance Due |
|-----|----------|---|----------------------------------|-------------|
| 114 | 10/28/08 | Notice of Hearing Mailed Next Business Day Notice Of Hearing Sent on: 10/28/2008 13:46:59                             | 0.00                             | 0.00        |
| 115 | 10/28/08 | Event Scheduled Event: Status Hearing Date: 11/14/2008 Time: 10:00 am Judge: BARTNOFF, JUDITH Location: Courtroom 317 | 0.00                             | 0.00        |
| N   |          | Totals By: Cost Information *** End of Report ***   | 310.00                           | 0.00        |