2026 WL 1345470 (D.C.Super.) (Trial Order)
Superior Court of the District of Columbia,
Civil Division.

Kimberlynn JURKOWSKI, Plaintiff,

v.

Mscott BERKOWITZ et al., Defendants.

No. 2025-CAB-8255.
April 21, 2026.

***1 Editor's Note:** This decision contains discussion of citation references that are incorrect or do not actually exist. These invalid citations appeared in the original court opinion and have been preserved as written since they are part of the official record. Any links to these invalid citations have been removed.

Next Event: Remote Status Conference
July 17, 2026, at 10:30 a.m.

Order

Veronica Sanchez, Judge.

This matter is before the Court on: (1) the WTU Defendants'[1] *Motion for Extension of Time to Respond to Complaint*, filed on January 9, 2026; (2) the DCPS Defendants'[2] *Motion for Clarification and Motion for Extension of Time to Respond*, filed on January 12, 2026; (3) Defendant Lona Valmoro's *Motion to Dismiss*, filed on January 14, 2026; (4) Plaintiff's *Motion to Amend Complaint*, filed on January 17, 2026; (5) Defendant Jonathan Stivers' *Motion to Dismiss*, filed on February 3, 2026; (6) District Defendants, Capital Hill PTA, and Lona Valmoro's *Joint Motion to Dismiss Amended Complaint*, filed on February 21, 2026; (7) Plaintiff's *Motion Disqualify OAG Opposing Counsel for Private Individuals and or Co-Defendants*, filed on February 26, 2026; (8) the WTU Defendants' *Consolidated Motion to Dismiss*, filed on February 23, 2026; (9) Defendant Applebaum's and Weir's *Motion to Dismiss*, filed on February 26, 2026; (10) Defendant Tull's *Motion to Dismiss*, filed on February 26, 2026; (11) Defendant Kitchel's *Motion to Dismiss*, filed on March 6, 2026; (12) Plaintiff's *Motion to File Second Amended Complaint*, filed on March 11, 2026; (13) Plaintiff's *Motion for Admission of Video Evidence*, filed on March 13, 2026; (14) Plaintiff's *Second Motion for Admission of Video Evidence*, filed on March 13, 2026; (15) Plaintiff's *Motion for Admission of Audio Evidence*, filed on March 13, 2026; (16) Plaintiff's *Motion for Admission of 28 Signed Declarations for Evidence of Plaintiff*, filed on March 14, 2026; (17) Defendant Black's *Motion to Dismiss*, filed on March 16, 2026; and (18) Defendant Black's *Amended Motion to Dismiss*, filed on March 19, 2026.

I. Background

Plaintiff initiated this case on December 15, 2025. The initial Complaint includes three paragraphs. The Complaint is not very clear, however, the allegations appear to be as follows: In December of 2021, Plaintiff was employed as a librarian at Watkins Elementary School in the District of Columbia. Compl. ¶ 1. At that time, Defendant Berkowitz was employed as the school's principal, and Defendant Moxley was employed by the school as a teacher. *Id.* On December 17, 2021, Defendant Moxley "forced her students to write papers" that stated the students had participated in a Holocaust reenactment during their library class with Plaintiff. *Id.* Defendant Moxley then brought those papers to Defendant Berkowitz, who initiated an investigation into whether such a reenactment had taken place. *Id.* Plaintiff was placed on administrative leave, and her employment was ultimately

 © 2026 Thomson Reuters. No claim to original U.S. Government Works.

terminated on February 14, 2022. *Id.* Plaintiff raises eight counts: (1) Civil Conspiracy; (2) Tortious Interference with Contract; (3) Defamation; (4) "Fraud Misrepresentation"; (5) Intentional Infliction of Emotional Distress; (6) Negligence; (7) Wrongful Termination; and (8) Retaliation in violation of the DCHRA. *Id.* Plaintiff requests a variety of relief, including compensatory and punitive damages, an order that Plaintiff's position be reinstated, and attorney fees and costs. *Id.* ¶ 2. The Complaint states that several Defendants other than Defendants Berkowitz and Moxley are connected to the case. However, the Complaint makes no clear allegations against those Defendants. *Id.* ¶ 3. Plaintiff filed the Complaint against thirty-one Defendants.

***2** Since the initiation of the case, the Parties have filed multiple motions. Notably, Plaintiff has filed two motions to amend the Complaint, which are among the motions that are addressed herein. Plaintiff also filed motions for default against all of the Defendants, as well as Motions for Default Judgment.

On March 20, 2026, the Court held a Remote Initial Scheduling Conference. At the hearing, the Court set a Status Hearing to provide the Court time to resolve the pending Motions. The Court granted the District Defendants until March 27, 2026, to file a response to Plaintiff's *Second Motion to Amend the Complaint*, and granted the remaining Defendants until April 3, 2026, to file their response to Plaintiff's *Second Motion to Amend the Complaint*.

On March 23, 2026, the Court issued a written order denying Plaintiff's Motions for Default and Motions for Default Judgment.

II. Discussion

A. Plaintiff's Motion to Disqualify

On February 21, 2026, Plaintiff filed a motion seeking to disqualify the Office of the Attorney General ("OAG") from representing individual Defendants. "[D]isqualification of an attorney is a matter which rests within the sound discretion of the trial court ...." *Derrickson v. Derrickson*, 541 A.2d 149, 152 (D.C. 1988) (citing *O'Neil v. Bergan*, 452 A.2d 337, 344 (D.C. 1982)).

The Court notes that Plaintiff's motion is frequently disjointed and lacks focus. However, ultimately, the motion includes two main contentions. Plaintiff suggests on one hand that OAG may not represent private individuals in matters that do not involve the District of Columbia's legal interests. Mot. to Disqualify at 8–12. Plaintiff also suggests that OAG should not be able to represent the individual District Defendants because a conflict of interest exists. *Id.* at 7–8.

The District Defendants filed an Opposition on March 5, 2026. In the Opposition, the District Defendants argue that OAG has only entered an appearance on behalf of individual defendants who are current or former employees of the District of Columbia and that both common law and the D.C. Code support its authority to do so. Opp'n at 3–5. The District Defendants also argue that no conflict of interest exists. *Id.* at 5–6.

1. OAG Authority

Plaintiff suggests that OAG does not have the authority to represent the individual Defendants. *See id.* at 8–12. The parties have not provided, and the Court has not found precedent that directly addresses the issue. However, D.C. Code § 1-301.81 provides that:

> The Attorney General for the District of Columbia ("Attorney General") shall have charge and conduct of all law business of the said District and all suits instituted by and against the government thereof, and shall possess all powers afforded the Attorney General by the common and statutory law of the District and shall be responsible for upholding the public interest. The Attorney General shall have the power to control litigation and appeals, as well as the power to intervene in legal proceedings on behalf of this public interest.

 © 2026 Thomson Reuters. No claim to original U.S. Government Works.

In this case, the Court finds that Plaintiff has not offered a sufficient argument as to why the representation of the individual District Defendants in this lawsuit is not part of the law business of the District or a matter of public interest. Plaintiff's claims arise from Plaintiff's employment with the District and the events surrounding the decision to terminate Plaintiff's employment. The termination of Plaintiff's employment with the District is the business of the District. A legal claim arising from the decision to terminate Plaintiff's employment is therefore very plausibly law business of the District. While Plaintiff contends that this a private matter, and that the Defendants have acted in their individual capacity outside the scope of their employment, those bare allegations are not sufficient to disqualify OAG from providing representation in connection with this case.

***3** Additionally, as the Defendants argue, OAG has reason to be concerned that the District could potentially be liable under a respondeat superior theory. *See* Opp'n at 4 (citing *D.C. v. Davis*, 386 A.2d 1195, 1202 (D.C. 1978)). This provides further reason why this proceeding may constitute law business of the district.

The Court notes that Plaintiff cites to a variety of rules in support of her *Motion*. However, Plaintiff simply provides no coherent or sufficient argument for disqualifying OAG from representing the individual District Defendants. Accordingly, Plaintiff's motion to disqualify OAG for lack of authority is denied.

2. Conflict of Interest

Plaintiff argues that OAG may not represent individual Defendants in this matter because of a conflict of interest. Mot. to Disqualify at 1–2, 7–8. For a motion to disqualify based on a conflict of interest, the rule is that "[w]here any substantial relationship can be shown between the subject matter of a former representation and that of a subsequent adverse representation, the latter will be prohibited." *Derrickson*, 541 A.2d at 151 (quoting *Brown v. District of Columbia Board of Zoning Adjustment*, 486 A.2d 37, 42 (D.C. 1984) (internal quotation omitted). For such a motion to succeed, the movant must show "than an attorney-client relationship formerly existed," and that "the current litigation is substantially related to the prior representation." *Id.* at 152.

The Court finds that Plaintiff has not demonstrated that she previously had an attorney-client relationship with OAG in connection with any lawsuit. Nor does Plaintiff's motion appear to argue that one existed. The motion appears to argue that there is a conflict among the Defendants, not between Plaintiff and OAG. *See* Mot. to Disqualify at 2 ("It is these defendants who have not been given full disclosure, and it is these defendants who do not realize the conflict that exists between the loyalties of both OAG and James & Hoffman …"). However, Plaintiff's motion does not succeed on this ground for multiple reasons. First, Plaintiff does not explain the facts of the alleged conflict between the Defendants at all. Second, even if there were such a conflict between the defendants, Plaintiff does not provide a sufficient reason why the conflict would be grounds for Plaintiff's motion to disqualify. Therefore, Plaintiff's motion to disqualify based on a conflict of interest is denied.

B. WTU Defendants' Motion for Extension of Time to Respond

On January 9, 2026, the WTU Defendants moved to extend the time to respond to Plaintiff's Complaint. The Court may grant an extension of time to respond to the Complaint upon a showing of good cause. Super. Ct. Civ. R. 6(b).

In support of the Motion, the WTU Defendants represent that they "require additional time to address internal authorization for its Counsel to represent the former officers named as Defendants in this matter and for the execution of appropriate retainer agreements." WTU Def.'s Mot. Extend ¶ 6. The WTU Defendants also represented that their Counsel would be on medical leave from January 21, 2026 to February 5, 2026. *Id.* ¶ 7. Counsel also represented that they had spoken with OAG regarding the District Defendants' motion that requested similar relief. *Id.* ¶ 9.

Plaintiff filed an Opposition on January 15, 2026. The Court finds that the January 15, 2026, Opposition does not make any real argument against the extension of the deadline. It appears that the Opposition mainly argues that the WTU should not be permitted to represent individual Defendants. Opp'n to WTU Def.'s Mot. Extend at 2. Plaintiff cites to a variety of rules,

 © 2026 Thomson Reuters. No claim to original U.S. Government Works.

primarily citing to the D.C. Rules of Professional conduct. *Id.* at 1. However, Plaintiff provides little to no explanation of how those rules apply to the request for an extension or to the contention that WTU counsel should be disqualified from representing Defendants Fuchs, Pogue-Lyons, and Bell.

***4** First, as it relates to disqualification, the Court finds that Plaintiff has not provided a sufficient argument as to why the WTU Counsel should not be permitted to represent individual defendants. Plaintiff's Opposition appears to suggest that the individual WTU defendants are being sued in their individual capacity for acts taken outside the scope of their employment. *Id.* at 2. However, neither Plaintiff's Opposition, nor the pleadings make it clear that the individual Defendants are being sued for acts unrelated to their relationship with the WTU.

Second, the Court finds good cause to grant the requested extension. The extension was requested early in the litigation. This Complaint involves a large number of Defendants, which makes the administration of the case more difficult for all Parties. The Defendant's motion notes that counsel needed to research the issue of organizational representation of individuals in a legal matter, which may take time. WTU Def.'s Mot. Extend ¶ 6. Defense counsel also noted that the extension was partly predicated on a personal medical issue of limited duration. *Id.* ¶ 7. These factors weigh in favor of granting the requested extension and outweigh any prejudice to Plaintiff that an extension may cause. Accordingly, the Court will grant the requested extension.

C. The DCPS Defendants' Contested Motion for Clarification

On January 12, 2026, the District of Columbia Public Schools, Susan Bloom, Katherine Moxley, Kathryn Kayne, Courtney DeAnda, and Jill Stewart (collectively the "DCPS Defendants")[3], jointly filed a *Contested Motion for Clarification and Motion for Extension of Time to Respond*. The Motion requests:

"(1) clarification on the response deadline for former District of Columbia Employees sued in an individual capacity for an act or omission occurring in connection with the duties performed on the District's behalf under Super. Ct. Civ. R. 12(a)(3), and (2) that the deadline for all defendants who have been served be 60 days from the date of service or February 23, 2026, whichever is later." Mot. Clarification at 1–2.

Plaintiff filed an Opposition on January 15, 2026. Similar to Plaintiff's Opposition to the WTU Defendants' *Motion to Extend*, Plaintiff cites to a variety of rules, but does not explain how the rules apply. Plaintiff also does not argue against the requested extension. In fact, the Opposition does not appear to make a request at all but asserts that the individual defendants are being sued in their individual capacity, unrelated to DCPS business.

1. Motion for Clarification

The Court will address the Defendants' motion for clarification first. The Court is persuaded that Super. Ct. Civ. R. 12(a)(3) should apply to former District employees. First, Defendant is correct that the Comment to the Super. Ct. Civ. R. 12 indicates that the Rules are nearly identical. And it is well established the Superior Court looks to the interpretation of the Federal Rules for guidance to the extent that the Rules are the same. *See e.g., In Re Herndon*, 596 A.2d 592, 596, n.5 (D.C. 1991) ("We look to federal rule precedent in interpreting Superior Court discovery rules that are substantially the same as the federal rules.") (citation omitted). Defendant is also correct that the Advisory Committee Notes for the Federal Rules of Civil Procedure explicitly provide that the Federal Rule12(a)(3) should apply to former employees who are sued in an individual capacity in connection with their duties. Given the similarity between the rules, the Court does not find a reason for the Court to apply the Rule differently. Therefore, the Court finds that Super. Ct. Civ. R. 12(a)(3) applies to former employees sued in connection with their duties.

2. Motion to Extend Time for All Defendants

***5** As for extending the time to respond for all Defendants, the Court may grant an extension of time to respond to the Complaint upon a showing of good cause. Super. Ct. Civ. R. 6(b).

In support of extending the time to respond for all Defendants, the DCPS Defendants argue that some individual Defendants were served shortly before the December holiday season, that OAG required additional time to confirm representation of individual Defendants, and that the extension would streamline proceedings by putting all of the Defendants on a similar schedule. Mot. Clarification at 3. Defense also counsel indicated that they were preparing for a seven-day trial beginning on February 2, 2026. *Id.*

The Court finds that under the circumstances, there is good cause to grant the extension for all Defendants. First, the numerosity of Defendants complicates the administration of the case. Second, the factual allegations of the claims are old, which could complicate drafting a response. Third, providing the extension for all Defendants promotes the orderly administration of the case. Accordingly, the Court will grant the Defendants' Motion.

D. Plaintiff's First Motion to Amend

On January 17, 2026, Plaintiff filed a *Motion to File First Amended Petition and Complaint*. The *Motion* suggests that it is filed as of right pursuant to Rule 15.

Rule 15 provides:

> A party may amend its pleading once as a matter of course no later than: (A) 21 days after serving it; or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Super. Ct. Civ. R. 15(a)(1). In this case, Plaintiff's Complaint is one to which a responsive pleading is required. Defendant Valmoro filed an *Answer and Motion to Dismiss* on January 7, 2026. Plaintiff filed her *Motion to file First Amended Petition and Complaint* ten days later on January 17, 2026. Therefore, Plaintiff's First Amended Complaint was filed as of right pursuant to Rule 15, and the Court will grant Plaintiff's *Motion to File First Amended Petition and Complaint*.

Additionally, as Defendant Valmoro's first *Motion to Dismiss*, filed on January 14, 2026, refers to the initial Complaint, that *Motion* is moot.

E. Plaintiff's Second Motion to Amend

On March 11, 2026, Defendant filed a *Motion to File 2nd Proposed Amended Petition and Complaint* ("*Second Motion to Amend*"). The filing does not formally request leave to amend, and it does not provide argument in support of a request for leave to amend. The filing primarily appears to be a Proposed Second Amended Complaint as well as a variety of exhibits, totaling more than three hundred pages. When the Court refers to the Proposed Second Amended Complaint, the Court is referring to Pages 1–17 of Plaintiff's *Second Motion to Amend.*

On March 27, 2026, the District Defendants filed an Opposition to Defendant's *Second Motion to Amend*. The Opposition makes two arguments. Defendants argue that Plaintiff's proposed Second Amended Complaint would be futile. Defendants also assert that the proposed pleading contains false citations that appear to have been generated by an artificial intelligence tool and argue that requiring the Defendants to respond to such a Complaint would be prejudicial. Regarding the merit of the Complaint, the Defendants argue that (i) all of Plaintiff's claims are time-barred; (ii) Plaintiff's claims are employment related and therefore barred by the Comprehensive Merit Personnel Act; and (iii) the Proposed Second Amended Complaint fails to state a legally cognizable cause of action against the Defendants.

 © 2026 Thomson Reuters. No claim to original U.S. Government Works.

***6** On March 30, 2026, Defendant Kitchel filed an Opposition that joins and adopts the District Defendants' Opposition. On April 3, 2026, Defendants Applebaum and Weir also filed an Opposition that joins the District Defendants' Opposition.

On April 2, 2026, the WTU Defendants filed an Opposition that argues the claims against them cannot proceed because the claims are properly within the scope of the CMPA, and therefore, this Court does not have jurisdiction.

1. Applicable Legal Standards

a. Motions to Amend

The Civil Rules provide that the Court should freely grant leave to amend "as justice so requires." Super. Ct. Civ. R. 15(a)(3). "In determining whether 'justice so requires' granting leave, [the court considers] five factors: (1) the number of requests to amend made by the movant; (2) the length of time the case has been pending; (3) bad faith or dilatory tactics on the part of the movant; (4) the merit of the proffered pleading; and (5) prejudice to the nonmoving party." *Taylor v. D.C. Water & Sewer Auth.* 957 A.2d 45, 51 (D.C. 2008) (quoting *Sherman v. Adoption Ctr. Of Washington, Inc.*, 741 A.2d 1031, 1037 (D.C. 1999)). While the decision to grant leave to amend is within the discretion of the trial court, "there is a 'virtual presumption' a court should grant leave to amend unless there is a good reason to the contrary." *Id.* (quoting *Howard University v. Good Food Services, Inc.*, 608 A.2d 116, 120 (D.C. 1992) (citation omitted)).

Leave to amend may be denied where the amendment would be futile. *Miller-McGee v. Wash. Hosp. Ctr.*, 920 A.2d 430, 436 (D.C. 2007). "An amended complaint is futile if it merely restates the same facts as the original complaint in different terms, reasserts a claim on which the court previously ruled, fails to state a legal theory or could not withstand a motion to dismiss." *Robinson v. Detroit News, Inc.*, 211 F. Supp. 2d 101, 114 (D.D.C. 2002); *see also Rayner v. Yale Steam Laundry Condo. Ass'n*, 289 A.3d 387, 402 (D.C. 2023) (declining to find an abuse of discretion in denying leave to amend where trial court considered the proffered pleading and concluded it did not have merit).

b. Motions to Dismiss

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Potomac Development Corp. v. District of Columbia*, 28 A.3d 531, 544 (D.C. 2011) (quotation and citations omitted). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id*. (quotation and citations omitted). "Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and plausibility of entitlement to relief." *Id*. (quotation and citation omitted). "To satisfy Rule 8(a), plaintiffs must nudge their claims across the line from conceivable to plausible." *Tingling-Clemons v. District of Columbia*, 133 A.3d 241, 246 (D.C. 2016) (quotation and citation omitted).

"A complaint should not be dismissed because a court does not believe that a plaintiff will prevail on its claim; indeed it may appear on the face of the pleadings that a recovery is very remote and unlikely but that is not the test." *Carlyle Investment Management, LLC v. Ace American Insurance Co.*, 131 A.3d 886, 894 (D.C. 2016) (quotations, brackets, and citations omitted). In addition, the Court should "draw all inferences from the factual allegations of the complaint in the plaintiff's favor." *Id*. (quotations and citations omitted). However, legal conclusions "are not entitled to the assumption of truth," *Potomac Development Corp.*, 28 A.3d at 544 (quotation and citation omitted), so "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Sundberg v. TTR Realty, LLC*, 109 A.3d 1123, 1128–29 (D.C. 2015) (quotation omitted). The "complaint must plead factual content that allows the court to draw the reasonable inference that defendant is liable for the misconduct alleged." *Poola v. Howard University*, 147 A.3d 267, 276 (D.C. 2016) (quotation omitted).

2. Futility of Amendment

***7** Upon review, the Court finds that granting leave to amend would be futile because the Proposed Second Amended Complaint would not overcome a motion to dismiss based on the untimeliness of the claims.

In short, the Proposed Second Amended Complaint does not include allegations from which the Court could reasonably infer that any of the alleged conduct took place within the applicable statute of limitations period. The pleading mentions only the following dates: December 14, 2021, December 17, 2021, January 6, 2022, and March 7, 2022. The pleading alleges that on December 14, 2021, Plaintiff participated in an unspecified complaint process. *See* Second Mot. Am. at 6, 12. There does not appear to be any allegation that any Defendant took any action against Plaintiff on that date. As for December 17, 2021, the pleading generally states the Defendants' alleged wrongful conduct began on this date. *Id.* at 2, 6, 9, 10. Plaintiff indicates that to be the date on which Plaintiff alleges Defendant Moxley brought the student's papers to Defendant Berkowitz. *Id.* at 3. As for January 6, 2022, Plaintiff appears to claim that statements were published on the Edwin Black Show, and possibly a variety of other social media outlets. *Id.* at 4. The pleading indicates that Plaintiff's employment was terminated on March 7, 2022. *Id*. at 12. Finally, the Court notes that in multiple places in the proposed Second Amended Complaint, Plaintiff claims that the Defendants' violations have occurred from "12-17-21-present," or some variation thereof. *Id.* at 2, 9, 10, 13.

The statute of limitations for defamation claims is one year. D.C. Code § 12-301. The statute of limitations for Plaintiff's DCHRA claims are also one year. D.C. Code § 2-1403.04. The statute of limitations for the remaining claims is three years. D.C. Code § 12-301(8). Plaintiff initiated this case on December 15, 2025. Except for the allegation that some of the conduct occurred from "12-17-21-present," the Complaint does not allege that any Defendant took any action within three years prior to December 15, 2025. As for Plaintiff's allegations that conduct has occurred "12-17-21-present," the Court finds these allegations are insufficient to establish that any of the alleged conduct occurred within the limitation period because the claims are extremely vague and functionally conclusory. The claims simply do not provide sufficient factual information from which the Court could reasonably infer that any Defendant is responsible for the alleged conduct within the limitation period.

a. Continuing-Tort Theory

The Court notes that Plaintiff appears to allege that Defendants have committed a continuing tort. Second Mot. Am. at 2 ("Because this conspiracy involved continuous, ongoing, and interconnected wrongful acts causing cumulative harm, the statute of limitations under D.C. Code § 12-301 did not begin to run until the final act on [2025]."") (brackets in original). A continuing tort may function to toll a statute of limitations. *See e.g., National Tel. Coop. Ass'n v. Exxon Corp.*, 38 F. Supp. 2d 1, 5 (D.D.C. 1998). However, the Court finds that Plaintiff has not sufficiently pled a continuing tort theory.

"Under District of Columbia law, a plaintiff establishes a continuing tort by showing '(1) a continuous and repetitious wrong, (2) with damages flowing from the act as a whole rather than from each individual act, and (3) at least one injurious act within the limitation period."' *National Tel. Coop. Ass'n*, 38 F. Supp. 2d at 5 (D.D.C. 1998) (quoting *Whelan v. Abell*, 953 F.2d 663, 673 (D.C. Cir. 1992)). Because the Proposed Second Amended Complaint does not allege sufficient facts from which the Court could infer that the Defendants took any actions taken after March 7, 2022, there is nothing in the pleading from which the Court could infer that at least one injurious act occurred within the limitation period. Further, the proposed pleading does not allege how the damages flowed from the acts as a whole rather than from each individual act, and it is not otherwise clear from the nature of the allegations that they would have. Therefore, a continuing tort theory does not overcome the issue of the time bar.

b. Discovery-Rule Theory

***8** In Plaintiff's Reply to the District Defendants' Opposition, Plaintiff suggests that she recently discovered information that gave rise to her claims. *See* Reply in Supp. of Second Mot. Am. at 2–3. As a general rule, under D.C. law, "[w]here the fact of an injury can be readily determined, a claim accrues for purposes of the statute of limitations at the time the injury actually

occurs." *Johnson v. Long Beach Mortg. Loan Trust 2001-4*, 451 F. Supp. 2d 16, 41 (D.D.C. 2006) (quoting *Mullin v. Wash. Free Weekly, Inc.*, 785 A.2d 296, 298 (D.C. 2001)). However, where the fact of an injury is not readily apparent, the Court may apply the discovery rule to determine when the claim accrued. *Id.* "Under the discovery rule, 'the statute of limitations will not run until [a] plaintiff[] know[s] or reasonably should have known that they suffered injury due to the defendants' wrongdoing.'" *Id.* (quoting *Colbert v. Georgetown Univ.*, 614 A.2d 469, 473 (D.C. 1994)). "[F]or a cause of action to accrue where the discovery rule is applicable, one must know or by the exercise of reasonable diligence should know (1) of the injury, (2) its cause in fact, and (3) of some evidence of wrongdoing." *Id.* at 42. The discovery rule may apply where fraudulent concealment has prevented a plaintiff from discovering an injury. *See Wash. Metro Area Transit Auth. v. Quik Serve Foods, Inc.*, 402 F. Supp. 2d 198, 202 (D.D.C. 2005) ("Situations where the discovery exception tolls the statute of limitations include … fraudulent concealment.").

In this case, Plaintiff's Reply seems to suggest that she has discovered that Defendants have fraudulently concealed some information. *See* Reply 5–6. However, Plaintiff does not explain how Defendants fraudulently concealed the alleged *injury* either in her Reply, or in the proposed pleading. The central allegation of the proposed Second Amended Complaint is that the Defendants engaged in a civil conspiracy to defame Plaintiff by falsely accusing her of certain workplace actions, and that the defamation led to Plaintiff's termination and related injuries that resulted from widespread publication of the accusations. Nowhere in the proposed Second Amended Complaint does Plaintiff suggest that she was not made aware of the allegedly defamatory statements prior to her employment termination. In fact, Plaintiff alleges that some of the Defendants "joined to push the news story out to the local, national, and international news [], starting 2pm 12-17-21." Second Mot. Am. at 3. This is significant because, "[i]n defamation cases … at least where mass media are involved, 'the fact of … injury can be readily determined,' and thus any resulting defamation claims will 'accrue … for purposes of the statute of limitations at the time the injury actually occurs,' i.e., publication." *Mullin v. Wash. Free Weekly*, 785 A.2d 296, 299 (D.C. 2001) (quoting *Colbert*, 614 A.2d at 472 (D.C. 1994)). Therefore, assuming Plaintiff's allegations are true, and that publication was in fact made by local, national, and international news, then the alleged defamatory statements would likely have begun to accrue at least within the period between December 17, 2021, and March 7, 2022. Accordingly, it appears from the Proposed Second Amended Complaint that Plaintiff was aware of the alleged injuries, and therefore the discovery rule would not apply to Plaintiff's claims.

For these reasons, the Court finds that the proposed amendment would time-barred, and therefore, amendment would be futile. Therefore, the Court will deny Plaintiff's *Second Motion to Amend*. Because the time-bar is sufficient at this stage to deny the Motion, the Court will not address the Defendants' arguments related to the Comprehensive Merit Personnel Act or failure to state a claim, though the Court acknowledges that they may be merited. The Court addresses the District Defendants' arguments regarding the use of artificial intelligence below.

F. Additional Opportunity to Move to Amend

Although the Court herein denies Plaintiff's *Second Motion to Amend* because the claims appear to be untimely, the Court will grant Plaintiff an additional opportunity to move to amend the Complaint. In the District of Columbia, the Court recognizes the strong judicial and societal preference for resolution of disputes on the merits, and a strong presumption in favor of amendment. *See e.g.*, *Abell v. Wang*, 697 A.2d 796, 800 (D.C. 1997) (discussing the preference for resolution on the merits); *Taylor v. D.C. Water & Sewer Auth.*, 957 A.2d 45, 51 (D.C. 2008). While the Court finds that Plaintiff's proposed Second Amended Complaint is deficient, the Court recognizes that Plaintiff has attempted to add factual allegations in an attempt to cure the deficiencies of her prior pleadings. The Court also recognizes that Plaintiff has attempted to argue theories that she believes may overcome the time bar or otherwise overcome the Defendants' arguments for dismissal of this action. The Court acknowledges that Plaintiff is proceeding *pro se*, and the Court considers its obligation to construe *pro se* pleadings liberally. *See e.g., Elmore v. Stevens*, 824 A.2d 44, 46 (D.C. 2003) (discussing limitations to the Court's duty to construe *pro se* pleadings liberally). The Court also considers the strong presumption in favor of granting leave to amend. *Taylor v. D.C. Water & Sewer Auth.*, 957 A.2d 45, 51 (D.C. 2008).

***9** Therefore, the Court will grant Plaintiff an additional opportunity to file a motion to amend the Complaint. Plaintiff may file a new motion to amend the Complaint within thirty days of the issuance of this Order. In the motion, Plaintiff must address

why the Court should grant leave to amend under the circumstances. Plaintiff should be aware that the Court will not grant leave to amend if Plaintiff is unable to cure the deficiencies of her Complaint. The Defendants may file an opposition to any motion to amend in the ordinary course pursuant to Super. Ct. Civ. R. 12-I, i.e. within fourteen days after service of the motion. Plaintiff may file a reply within seven days after service of an opposition.

F. Plaintiff's Motions for Admission of Evidence

On March 13, 2026, Plaintiff filed three *Motions to Admit Evidence*. These motions ask the Court to rule that certain audio and video evidence is admissible. At this juncture, the motions are moot. The three motions do not relate the described evidence that Plaintiff seeks to admit to any other motion or relevant filing. The Court will not decide, prior to the parties engaging in any discovery, whether the proposed evidence would be admissible at trial or for any other unspecified purpose. The Court will deny these three motions as moot.

On March 14, 2026, Plaintiff filed a *Motion to Admit 28 Signed Declarations* into the record. For this *Motion*, Plaintiff appears to request that the Court admit her own declarations into the record. No party has filed an opposition. To the extent that Plaintiff seeks to admit her own affidavits into the record, the Court will grant Plaintiff's motion. However, to the extent that Plaintiff wishes for the Court to review these affidavits in connection with a motion or pleading, Plaintiff must reference them specifically. This filing consists of three-hundred and ninety pages. Many of these pages are extremely unfocused. The Court is not obligated to sift through Plaintiff's voluminous record to determine whether Plaintiff has made her case. It is Plaintiff's responsibility to direct the Court to the specific portion of the record that she believes supports her claims.

G. Remaining Motions to Dismiss

There remain nine pending *Motions to Dismiss*, which are listed below.[4] Because the Court is granting Plaintiff an additional opportunity to move to amend the Complaint, the Court will at this time deny the pending *Motions to Dismiss* as moot, and without prejudice. The Defendants may renew their motions to dismiss at a later date, if the motions remain relevant.

F. Use of Artificial Intelligence

Multiple Defendants have suggested that Plaintiff has used artificial intelligence tools to draft her pleadings. In particular, the District Defendants assert that Plaintiff's use of artificial intelligence resulted in Plaintiff submitting nonexistent or spurious case citations to this Court. District. Def.'s Opp'n to Second Mot. Am. at 12–14.

First, the Court finds that Plaintiff's Proposed Second Amended Complaint, and other filings, such as Plaintiff's Reply to the District Defendants in support of the *Second Motion to Amend*, and Plaintiff's *Motion to Disqualify* do appear to have been constructed using artificial intelligence tools. The Court bases this finding on the extremely disjointed, and often incoherent nature of the writing combined with the use and misuse of technical legal language, as well as the appearance that some portion of Plaintiffs' filings appear to include questions that were generated by an artificial intelligence tool in response to user prompts.

***10** Additionally, the Court finds that Plaintiff did submit one case citation to this Court that does not exist. In Plaintiff's Proposed Second Amended Complaint, Plaintiff submitted the citation *Chisholm v. Kidder Peabody Asset Mgmt, Inc.*, 810 A.2d 900 (D.C. 2002) for the proposition that "civil conspiracy is a 'parasitic tort.[']" Second Mot. Am. at 2. This Court was unable to find this case in the Court reporters, either by searching the case name or the reporter number. A Lexis search of the case name within District of Columbia precedent returns no results. A Lexis search of the reporter number returns the case *Harkins v. United* States, 810 A.2d 895 (D.C. 2002). *Harkin* does not include the proposition that Plaintiff states, nor does *Harkin* appear to be otherwise relevant to this case.

 © 2026 Thomson Reuters. No claim to original U.S. Government Works.

The Court also finds that Plaintiff did submit case law that does not stand for the proposition that it is asserted for. Plaintiff submitted the citation *Jonathan Woodner Co. v. Breeden*, 665 A.2d 929 (D.C. 1995), asserting that it "distinguish[es] between a continuous tort and a single act with continuous effects." Second, Mot. Am. at 2. This case does not discuss such a distinction.

While the use of artificial intelligence tools is not in and of itself a violation of the Civil Rules, the submission of nonexistent or egregiously inaccurate legal citations may violate Superior Court Civil Rule 11. To ensure that the Parties are aware of their obligations, the Court will remind the parties that Rule 11 states:

> By presenting to the court a pleading, written motion, or other paper, including an electronic filing—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
>
> (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
>
> (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
>
> (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
>
> (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

D.C. SCR-Civil Rule 11. Failure to comply with Rule 11 may result in sanctions, including the striking of a motion or pleading.

H. Continued Initial Scheduling Conference

Finally, given that the Court herein grants Plaintiff an additional opportunity to move to amend the Complaint, the Court will continue the Remote Status Hearing now set for April 22, 2026, to provide for a briefing schedule. The Court will reschedule the hearing for July 17, 2026 at 10:30 a.m.

Accordingly, it is on this, **21st day of April, 2026**, hereby:

ORDERED that (1) the WTU Defendants *Motion for Extension of Time to Respond to Complaint*, filed on January 9, 2026, is **GRANTED**; it is further

ORDERED that the DCPS Defendants *Motion for Clarification and Motion for Extension of Time to Respond*, filed on January 12, 2026 is **GRANTED**; it is further

ORDERED that Defendant Lona Valmoro's *Motion to Dismiss*, filed on January 14, 2026, is **DENIED AS MOOT**; it is further

ORDERED Plaintiff's *Motion to Amend Complaint*, filed on January 17, 2026, is **GRANTED AS OF RIGHT**; it is further

ORDERED that Defendant Jonathan Stivers' *Motion to Dismiss*, filed on February 3, 2026, is **DENIED AS MOOT**; it is further

***11 ORDERED** that the District Defendants, Capital Hill PTA, and Lona Valmoro's *Joint Motion to Dismiss Amended Complaint*, filed on February 21, 2026, is **DENIED AS MOOT**; it is further

 © 2026 Thomson Reuters. No claim to original U.S. Government Works.

ORDERED that Plaintiff's *Motion Disqualify OAG Opposing Counsel for Private Individuals and or Co-Defendants*, filed on February 21, 2026, is **DENIED**; it is further

ORDERED that the WTU Defendants' *Consolidated Motion to Dismiss*, filed on February 23, 2026, is **DENIED AS MOOT**; it is further

ORDERED that Defendants Applebaum and Weir's *Motion to Dismiss*, filed on February 26, 2026, is **DENIED AS MOOT**; it is further

ORDERED that Defendant Tull's *Motion to Dismiss*, filed on February 26, 2026, is **DENIED AS MOOT**; it is further

ORDERED that Defendant Kitchel's *Motion to Dismiss*, filed on March 6, 2026, is **DENIED AS MOOT**; it is further

ORDERED that Plaintiff's *Motion to File Second Amended Complaint*, filed on March 11, 2026, is **DENIED**; it is further

ORDERED that Plaintiff's *Motion for Admission of Video Evidence*, filed on March 13, 2026, Plaintiff's [*Second*] *Motion for Admission of Video Evidence*, filed on March 13, 2026, and Plaintiff's *Motion for Admission of Audio Evidence*, filed on March 13, 2026, are **DENIED AS MOOT**; it is further

ORDERED that Plaintiff's *Motion for Admission of 28 Signed Declarations for Evidence of Plaintiff*, filed on March 14, 2026, is **GRANTED** to the extent that Plaintiff seeks to admit her own affidavits into the record; it is further

ORDERED that Defendant Black's *Motion to Dismiss*, filed on March 16, 2026; and Defendant Black's Amended Motion to Dismiss, filed on March 19, 2026, are **DENIED AS MOOT**; it is further

ORDERED that Plaintiff may file a motion to amend the Complaint within thirty days of the issuance of this Order, and that the parties may file opposition and replies in the ordinary course pursuant to Super. Ct. Civ. R. 12-I; it is further

ORDERED that the Remote Status Hearing scheduled for April 22, 2026 is **CONTINUED** to July 17, 2026 at 10:30 a.m.

SO ORDERED.

<<signature>>

Judge Veronica Sanchez

Copies to parties.

Instructions for Remote Hearings Before Judge Veronica Sanchez Courtroom 200

Parties and counsel may access Virtual Courtroom 200 in the following ways:

(1) Going to the WebEx website at https://dccourts.webex.com/meet/ctb200 or going to https://dccourts.webex.com and, under "Join a Meeting," entering Meeting ID number 179 813 6225; or

(2) Downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering https://dccourts.webex.com/meet/ctb200; or

(3) Calling 1-844-992-4726 or 202-860-2110 and entering Meeting ID number 179 813 6225 #, then # again.

 © 2026 Thomson Reuters. No claim to original U.S. Government Works.

Parties having trouble connecting to their remote hearing may contact chambers at JudgeSanchezChambers@dcsc.gov. Staff will be monitoring the e-mail closely during hearings. **Failure to appear at a proceeding, including remote proceedings, may result in dismissal of a case or entry of default.**

PLEASE NOTE: Counsel is required to appear via WebEx video and log in so that their name appears on screen, absent extenuating circumstances that make it necessary for them to appear via telephone, or unless telephonic appearance is approved by Chambers prior to the hearing. All other parties are highly encouraged, but not required, to appear via WebEx video and identify themselves by name.

***12** When entering the virtual courtroom (by dialing in on a phone, or signing in through the website or app), the party should not attempt to speak because another hearing may be underway. Each party should be automatically muted by the courtroom clerk when you first arrive. If you are using the WebEx website or the app, you may check in with the courtroom clerk using the "chat" function. If you are on a telephone, you should wait for your case to be called.

Footnotes

1 The WTU Defendants include the Washington Teachers' Union, Local #6, AFT, AFL-CIO ("WTU"), and Defendants Fuchs, Pogue-Lyons, and Bell.

2 The DCPS Defendants include District of Columbia Public Schools, Susan Bloom, Katherine Moxley, Kathryn Kayne, Courtney DeAnda, and Jill Stewart. This filing was submitted prior to the Office of the Attorney General entering their appearance on behalf of the current set of District Defendants.

3 The Court notes that at this time, OAG had not entered an appearance on behalf of all of the current District Defendants.

4 (1) Defendant Jonathan Stivers' *Motion to Dismiss*, filed on February 3, 2026; (2) District Defendants, Capital Hill PTA, and Lona Valmoro's *Joint Motion to Dismiss Amended Complaint*, filed on February 21, 2026; (3) the WTU Defendants' *Consolidated Motion to Dismiss*, filed on February 23, 2026; (4) Defendant Applebaum's and Weir's *Motion to Dismiss*, filed on February 26, 2026; (5) Defendant Tull's *Motion to Dismiss*, filed on February 26, 2026; (6) Defendant Kitchel's *Motion to Dismiss*, filed on March 6, 2026; (7) Plaintiff's *Motion to File Second Amended Complaint*, (8) Defendant Black's *Motion to Dismiss*, filed on March 16, 2026; and (9) Defendant Black's Amended Motion to Dismiss, filed on March 19, 2026.

End of Document

© 2026 Thomson Reuters. No claim to original U.S. Government Works.