

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**(Civil Actions Branch)**

ANDRE CHISOLM  
c/o 519 H Street NW  
Washington, DC 20001

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue NW  
Washington, DC 20004

Defendant.

**COMPLAINT**

1. Plaintiff worked for the District of Columbia Department of Employment Services (“DOES”) processing unemployment insurance claims. Because of the massive layoffs that occurred due to the COVID-19 pandemic, Plaintiff worked a tremendous number of overtime hours over the last year and a half. DOES, the very agency charged with enforcing District of Columbia employment laws, failed to pay Plaintiff overtime wages for these overtime hours. In this failure, DOES not only betrayed its own mandate, but also failed the thousands of unemployed D.C. workers whose unemployment insurance claims have not been processed on a timely basis.

2. Plaintiff brings this action to recover damages for DOES’s willful failure to pay overtime wages, in violation of the District of Columbia Minimum Wage Act Revision Act (“DCMWA”), D.C. Code, § 32-1001 *et seq.*

**Jurisdiction and Venue**

3. Subject matter jurisdiction is proper pursuant to D.C. Code § 11-921.

4. Personal jurisdiction is proper because Defendant has transacted business in the District of Columbia from which Plaintiff's claims arise. D.C. Code §§ 13-422–23.
5. Venue is proper pursuant to D.C. Code § 13-425.

### **Parties**

6. Plaintiff Andre Chisolm is an adult resident of Charles County, Maryland.
7. Defendant District of Columbia ("the District") is a municipal corporation. D.C. Code § 1- 102. It was an employer of Plaintiff within the meaning of D.C. Code § 32-1002(3). The District of Columbia may be served through the Mayor of the District of Columbia (or designee) and the Attorney General of the District of Columbia (or designee). Rule 4(j)(3).

### **Factual Allegations**

8. Plaintiff worked for DOES from approximately July 2007 through approximately July 23, 2021.
9. At all relevant times, Plaintiff worked for DOES on the processing of unemployment insurance claims.
10. At all relevant times, Plaintiff was paid by the hour.
11. In 2020 and 2021, Plaintiff was paid \$40.84 per hour.
12. In 2020 and 2021, Plaintiff frequently worked overtime — or more than 40 hours in a workweek — as a result of the mass layoffs that occurred during the COVID-19 pandemic.
13. Plaintiff worked approximately 857 hours of overtime in 2020 and 2021.
14. At all relevant times, Plaintiff was paid the same regular hourly rate across all hours worked, including when Plaintiff worked more than forty hours in a workweek.
15. The Department of Employment Services did not pay Plaintiff overtime wages — or one and one-half times his regular hourly rate for hours worked in excess of forty in a workweek.

16. On approximately October 7, 2021, several months after Plaintiff had stopped working for the Department of Employment Services, Defendant paid Plaintiff back wages for approximately sixty-five hours of overtime premiums.

17. For the late payment of these wages, Defendant owes Plaintiff approximately \$3,981.90 in liquidated damages (65 hours  $\times$  \$20.42 overtime premium  $\times$  3 pursuant to D.C. Code 32-1012(b)(1)).

18. As of the filing of this lawsuit, the District has not paid Plaintiff for the remaining 792 hours of overtime premiums, or \$16,172.64 (792 hours  $\times$  \$20.42 overtime premium)

19. For the nonpayment of these wages, Defendant owes Plaintiff \$16,172.64, plus \$48,517.92 in liquidated damages (\$16,172.64  $\times$  3 pursuant to D.C. Code 32-1012(b)(1)), or a total of \$64,690.56.

20. Defendant owes Plaintiff a total of **\$68,671.56** for its failure to promptly pay Plaintiff his overtime wages (\$3,981.90 + \$64,690.56)

21. At all relevant times, Defendant had the power to hire and fire Plaintiff.

22. At all relevant times, Defendant had the power to control Plaintiff's work schedule.

23. At all relevant times, Defendant had the power to set Plaintiff's rate and manner of pay.

24. At all relevant times, DOES was aware that it was legally required to pay Plaintiff one and one-half times his regular hourly rate for all hours worked in excess of forty hours in any one workweek.

## COUNT I

### **FAILURE TO PAY OVERTIME WAGES UNDER THE DCMWA**

25. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

26. Defendant was an "employer" of Plaintiff within the meaning of the DCMWA. D.C. Code § 32-1002(3).

27. The DCMWA requires employers to pay non-exempt employees one and one-half times their regular hourly rate for hours worked in excess of forty hours in any one workweek. D.C. Code § 32-1003(c).

28. Defendant violated the DCMWA by knowingly failing to pay Plaintiff at least one and one-half times his regular hourly rate for hours worked in excess of forty hours in any one workweek.

29. Defendant's violations of the DCMWA were willful.

30. For Defendant's violations of the DCMWA, Defendant is liable to Plaintiff for unpaid overtime wages, an amount equal to three times the unpaid overtime wages as liquidated damages, reasonable attorney's fees and expenses, court costs, interest, and any other relief deemed appropriate by the Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendant, on all counts, in the current total amount of **\$73,046.94**, and grant the following relief:

- a. Award Plaintiff \$68,671.56, consisting of unpaid overtime wages, plus three times the amount of late or unpaid overtime wages as liquidated damages, pursuant to the DCMWA, D.C. Code § 32-1012;
- b. Award Plaintiff pre-judgment and post-judgment interest as permitted by law;
- c. Award Plaintiff attorney's fees and expenses computed pursuant to the matrix approved in *Salazar v. District of Columbia*, 123 F. Supp. 2d 8 (D.D.C. 2000), and updated to account for the current market hourly rates for attorney's services, pursuant to the DCWPCL, D.C. Code § 32-1308(b)(1) (as of this date, approximately \$4,236.00);
- d. Award Plaintiff court costs (currently, \$139.38); and
- e. Award any additional relief the Court deems just

October 25, 2021

Respectfully submitted,

**DCWAGE LAW**

By: /s/ Justin Zelikovitz  
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Washington, DC 20001  
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*Counsel for Plaintiff*

# Superior Court of the District of Columbia

## CIVIL DIVISION- CIVIL ACTIONS BRANCH

### INFORMATION SHEET

\_\_\_\_\_ANDRE CHISOLM\_\_\_\_\_

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

vs

Date: 10/25/2021

\_\_\_\_\_THE DISTRICT OF COLUMBIA\_\_\_\_\_

One of the defendants is being sued  
in their official capacity.

Name: (Please Print) <u>JUSTIN ZELIKOVITZ, ESQ.</u>	Relationship to Lawsuit
Firm Name: <u>DCWAGELAW</u>	<input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Telephone No.: <u>877-373-6421</u>	Six digit Unified Bar No.: <u>986001</u>

TYPE OF CASE:  Non-Jury

6 Person Jury

12 Person Jury

Demand: \$73,046.94

Other: \_\_\_\_\_

#### PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

#### NATURE OF SUIT: (Check One Box Only)

##### A. CONTRACTS

##### COLLECTION CASES

<input checked="" type="checkbox"/> 01 Breach of Contract (Statutory Wage Claim)	<input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent	<input type="checkbox"/> 16 Under \$25,000 Consent Denied
<input type="checkbox"/> 02 Breach of Warranty	<input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent	<input type="checkbox"/> 18 OVER \$25,000 Consent Denied
<input type="checkbox"/> 06 Negotiable Instrument	<input type="checkbox"/> 27 Insurance/Subrogation	<input type="checkbox"/> 26 Insurance/Subrogation
<input type="checkbox"/> 07 Personal Property	Over \$25,000 Pltf. Grants Consent	Over \$25,000 Consent Denied
<input type="checkbox"/> 13 Employment Discrimination	<input type="checkbox"/> 07 Insurance/Subrogation	<input type="checkbox"/> 34 Insurance/Subrogation
<input type="checkbox"/> 15 Special Education Fees	Under \$25,000 Pltf. Grants Consent	Under \$25,000 Consent Denied
	<input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only)	

##### B. PROPERTY TORTS

<input type="checkbox"/> 01 Automobile	<input type="checkbox"/> 03 Destruction of Private Property	<input type="checkbox"/> 05 Trespass
<input type="checkbox"/> 02 Conversion	<input type="checkbox"/> 04 Property Damage	
<input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a)		

##### C. PERSONAL TORTS

<input type="checkbox"/> 01 Abuse of Process	<input type="checkbox"/> 10 Invasion of Privacy	<input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice)
<input type="checkbox"/> 02 Alienation of Affection	<input type="checkbox"/> 11 Libel and Slander	<input type="checkbox"/> 18 Wrongful Death (Not Malpractice)
<input type="checkbox"/> 03 Assault and Battery	<input type="checkbox"/> 12 Malicious Interference	<input type="checkbox"/> 19 Wrongful Eviction
<input type="checkbox"/> 04 Automobile- Personal Injury	<input type="checkbox"/> 13 Malicious Prosecution	<input type="checkbox"/> 20 Friendly Suit
<input type="checkbox"/> 05 Deceit (Misrepresentation)	<input type="checkbox"/> 14 Malpractice Legal	<input type="checkbox"/> 21 Asbestos
<input type="checkbox"/> 06 False Accusation	<input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death)	<input type="checkbox"/> 22 Toxic/Mass Torts
<input type="checkbox"/> 07 False Arrest	<input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice)	<input type="checkbox"/> 23 Tobacco
<input type="checkbox"/> 08 Fraud		<input type="checkbox"/> 24 Lead Paint

SEE REVERSE SIDE AND CHECK HERE

IF USED

# Information Sheet, Continued

## C. OTHERS

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

## II.

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

## D. REAL PROPERTY

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

/s/ Justin Zelikovitz

Attorney's Signature

10/25/2021

Date





# TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA

## DIVISIÓN CIVIL

Sección de Acciones Civiles

500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001

Teléfono: (202) 879-1133 Sitio web: [www.dccourts.gov](http://www.dccourts.gov)

ANDRE CHISOLM

Demandante

contra

Número de Caso: \_\_\_\_\_

THE DISTRICT OF COLUMBIA

Demandado

## CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le require entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le require presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

Justin Zelikovitz, Esq.

*SECRETARIO DEL TRIBUNAL*

Nombre del abogado del Demandante

Por: \_\_\_\_\_

Subsecretario

519 H Street NW

Dirección

Washington, DC 20001

877-373-6421

Fecha \_\_\_\_\_

Teléfono

如需翻译, 请打电话 (202) 879-4828

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

Để có một bài dịch, hãy gọi (202) 879-4828

번역을 원하시는 경우 (202) 879-4828로 전화해 주시기 바랍니다.

የኢትዮጵያ ቴርጉም ለማማሪ ስራ (202) 879-4828 ወደዚያ የ

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARCE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPOSICIÓN A ESTA ACCIÓN, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés  
See reverse side for English original