

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JOHN I. JUST-BUDDY, as the Personal Representative of the Estate of **LUCILLE L. JUST-BUDDY**, and **DIONNE KINGSBURY**, as the Personal Representative of the Estate of **RONALD KINGSBURY**, on behalf of themselves and all others similarly situated,

Plaintiffs,

**COMPLAINT
(Class Action)**

-vs.-

MURIEL BOWSER, in her official capacity as Mayor of the District of Columbia, and **LAURA GREEN ZEILINGER**, in her official capacity as the Director of the District of Columbia Department of Human Services,

Defendants

INTRODUCTION

1. John Just-Buddy (“Mr. Just-Buddy”), in his capacity of as the Personal Representative of the estate of his mother Lucille Just-Buddy (“Ms. Just-Buddy”), and Dionne Kingsbury (“Ms. D. Kingsbury”), in her capacity as the Personal Representative of the estate of her father, Ronald Kingsbury (“Mr. Kingsbury”), bring this action on behalf of themselves and all others similarly situated because, notwithstanding the fact that Ms. Just-Buddy was survived by a disabled daughter, Guilqhler J. Payne (“Ms. Payne”), and notwithstanding the fact that Mr. Kingsbury was survive by a disabled daughter, Jennifer Kingsbury (“Ms. J. Kingsbury”), Defendants Muriel Bowser (“Mayor Bowser”), in her official capacity as Mayor of the District of Columbia, and Laura Green Zeilinger (“Ms. Zeilinger”), in her official capacity as the Director of the District of Columbia Department of Human Services (“DHS”) (collectively “Defendants”), required Mr. Just-Buddy to pay DHS back, out of the estate of Ms. Just-Buddy, for Medicaid services Ms. Just-Buddy had received during her lifetime from DHS,

and has demanded that Ms. D. Kingsbury pay DHS back, out of the estate of Mr. Kingsbury, for Medicaid services Mr. Kingsbury had received during his lifetime from DHS. By doing so, Defendants violated 42 U.S.C. § 1983 in that they violated 42 U.S.C. § 1396p(b)(2)(A) and 42 C.F.R. § 433.36(h)(2) which prohibit such estate recoveries when the decedent is survived by, among others, a disabled child.

2. As will be discussed below, upon information and belief, Defendants have a policy or practice of requiring estates of persons who have received Medicaid benefits from DHS and who have died leaving a surviving disabled child, a child under 21 or a spouse, to pay back DHS for those benefits. Accordingly Mr. Just-Buddy and Ms. Kingsbury bring this case as a class action.

JURISDICTION

3. This Court has jurisdiction of this action under 28 U.S.C. § 1331.

VENUE

4. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(1).

PARTIES

5. Mr. Just-Buddy is a resident of Georgia.

6. Ms. D. Kingsbury is a resident of the District of Columbia.

7. Mayor Bowser is the Mayor of the District of Columbia and has an office located at 1350 Pennsylvania Avenue NW, Washington D.C., 20004. Mayor Bowser has overall responsibility for city services in the District of Columbia, including its Medicaid program.

8. Ms. Zeilinger is the Director of DHS and has an office at 64 New York Avenue, Washington, D.C. 20002. As Director of DHS, Ms. Zeilinger is responsible for overseeing the Medicaid program in the District of Columbia, including estate recoveries.

STATUTORY AND REGULATORY BACKGROUND

9. Medicaid, established under Title XIX of the Social Security Act, is a joint federal/state program that provides medical assistance to financially needy persons who are aged 65 or over, blind, disabled, or members of families with dependent children. 42 U.S.C. § 1396 et seq.; 42 C.F.R. § 430 et seq. As a condition of receiving federal reimbursement for part of its Medicaid expenditures, each state Medicaid program must meet various conditions of participation set forth in the federal Medicaid laws and regulations. 42 U.S.C. § 1396a et seq., 42 C.F.R. § 431.40 et seq. The District of Columbia is treated like a state for the purposes of the Medicaid program.

10. Each state and the District of Columbia must have a single state agency to oversee the program. In the District of Columbia, that agency is DHS.

11. In pertinent part, 42 U.S.C. § 1396p(b) provides that Medicaid agencies like DHS may, under certain circumstances, recover payment for the Medicaid benefits DHS provided persons during their lifetime, from their estates and/or their real property.

12. 42 U.S.C. § 1396p(b)(2)(A) specifically prohibits any recovery from a Medicaid recipient's estate if the Medicaid recipient leaves a surviving spouse, child under 21 or disabled child as defined in 42 U.S.C. § 1382c.

13. 42 C.F.R. § 433.36(h)(2)(ii) contains the same prohibition.

FACTS

Ms. Just-Buddy

14. On January 27, 2015, Ms. Just-Buddy, who had received Medicaid benefits from the District of Columbia during her lifetime, passed away.

15. Ms. Just-Buddy was and is survived by her son, Mr. Just-Buddy, and her daughter Ms. Payne.

16. Ms. Payne was determined disabled years before Ms. Just-Buddy's death and continues to be disabled.

17. Mr. Just-Buddy was appointed the Personal Representative of Ms. Just-Buddy's estate by the District of Columbia Superior Court Probate Division ("Probate Court") on January 7, 2016. *In re: Lucille Just-Buddy*, 2015 ADM 000175.

18. On or about December 9, 2015, Mr. Just-Buddy received a claim from DHS on the estate of Ms. Just-Buddy in the amount of \$38,096.21 for repayment of Medicaid benefits DHS had provided to Ms. Just-Buddy during her lifetime.

19. Mr. Just-Buddy informed DHS that Ms. Just-Buddy was survived by her disabled daughter, Ms. Payne.

20. Nevertheless, DHS insisted that Mr. Just-Buddy repay DHS from the estate of Ms. Just-Buddy for Medicaid benefits DHS provided to Ms. Just-Buddy during her lifetime.

21. Given DHS insistence on being repaid, Mr. Just-Buddy paid DHS \$38,096.21 from Ms. Just-Buddy's estate, and DHS filed a Satisfaction and Release of Claim with the Probate Court on February 18, 2016.

22. Upon information and belief, Defendants have and have had a policy or practice of requiring estates of persons — who have received Medicaid benefits from the DHS and who have died leaving as a survivor any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1, i.e., a decedent's disabled child, a decedent's child under 21, or a spouse — to pay back DHS for those benefits even though any of persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 is still living. Defendants' policy or practice violated and violates 42 U.S.C. § 1983 in that it violated and violates 42 U.S.C. § 1396p(b)(2) and 42 C.F.R. § 433.36(h)(2).

23. Accordingly, Mr. Just-Buddy, as the Personal Representative of the estate of Ms. Just-Buddy, is bringing the instant action on behalf of himself and all others similarly situated.

Mr. Kingsbury

24. On November 10, 2015, Mr. Kingsbury, who had received Medicaid benefits from the District of Columbia during his lifetime, passed away.

25. Mr. Kingsbury was and is survived by her daughters, Ms. D. Kingsbury and Ms. J. Kingsbury.

26. Ms. J. Kingsbury was determined to be disabled years before Mr. Kingsbury's death and continues to be disabled.

27. Ms. D. Kingsbury was appointed the Personal Representative of Mr. Kingsbury's estate by the District of Columbia Superior Court Probate Division ("Probate Court") on February 11, 2016.

28. On August 22, 2016, Ms. D. Kingsbury received a claim from DHS on the estate of Mr. Kingsbury in the amount of \$76,521.87 for repayment of Medicaid benefits DHS had provided to Mr. Kingsbury during his lifetime.

29. Ms. D. Kingsbury informed DHS that Mr. Kingsbury was survived by her disabled daughter, Ms. J. Kingsbury.

30. Nevertheless, DHS continues to insist that Ms. D. Kingsbury repay DHS from the estate of Mr. Kingsbury for Medicaid benefits DHS provided to Mr. Kingsbury during his lifetime.

31. Upon information and belief, Defendants have and have had a policy or practice of requiring estates of persons — who have received Medicaid benefits from the DHS and who have died leaving as a survivor any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1, i.e., a decedent's disabled child, a decedent's child under 21, or a spouse — to pay back DHS for those benefits even though any of persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 is still living. Defendants' policy or practice violated and violates 42 U.S.C. § 1983 in that it violated

and violates 42 U.S.C. § 1396p(b)(2) and 42 C.F.R. § 433.36(h)(2).

32. Accordingly, Ms. D. Kingsbury, as the Personal Representative of the estate of Mr. Kingsbury, is bringing the instant action on herself and all others similarly situated.

CLASS ALLEGATIONS

33. Mr. Just-Buddy and Ms. D. Kingsbury bring this class action on behalf of themselves and all others similarly situated under rules 23(a) and 23(b)(1)-23(b)(3) of the Federal Rules of Civil Procedure.

34. Mr. Just-Buddy and Ms. D. Kingsbury seek to represent the following Class of persons (the “Class) and Mr. Just-Buddy also seeks to represent a subclass of persons (the “Subclass”) defined as follows:

Class: All estates of persons for the last three years and all present and future estates of persons — who had, have, or will have had received Medicaid benefits from DHS during their lifetimes and who have died leaving as a survivor any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 — from which estates DHS demanded, is demanding and/or will demand repayment for such Medicaid benefits while any of persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 is still living.

Subclass: All estates of persons for the last three years and all present and future estates of persons — who had, have or will have had received Medicaid benefits from DHS during their lifetimes and who have died leaving as a survivor any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 — from which estates DHS demanded, is demanding and/or will demand repayment for such Medicaid benefits while any of persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 is still living, where such estates made such payments or will make such payments to DHS.

35. Upon information and belief, the Class has more than 40 members.

36. Upon information and belief, the Subclass has more than 40 members.

37. There are questions of fact and law common to the of the Class, including, but not limited to, whether Defendants' policy or practice of requiring estates of persons — who have received Medicaid benefits from the DHS and who have died leaving as a survivor any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1, to pay back DHS for those benefits while any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 is still living — violated, violates and/or will violate 42 U.S.C. § 1983 in that it violated, is violating and/or will violate 42 U.S.C. § 1396p(b)(2) and 42 C.F.R. § 433.36(h)(2); and (ii) the remedies available to members of Class.

38. There are questions of fact and law common to the Subclass, including, but not limited to, whether Defendants' policy or practice of requiring estates of persons — who have received Medicaid benefits from the DHS and who have died leaving as a survivor any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1, to pay back DHS for those benefits while any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 is still living — violated, violates and/or will violate 42 U.S.C. § 1983 in that it violated, is violating and/or will violate 42 U.S.C. § 1396p(b)(2) and 42 C.F.R. § 433.36(h)(2); and (ii) the remedies available to members of the Subclass.

39. The claims of Mr. Just-Buddy and Ms. D. Kingsbury are typical of the claims of the Class and the claims of Mr. Just-Buddy are typical of the claims of the Subclass, and Mr. Just-Buddy and Ms. D. Kingsbury will adequately represent the interests of the Class and Mr. Just-Buddy will adequately represent the interests of the Subclass. There is no conflict of interest among Mr. Just-Buddy, Ms. D. Kingsbury and the members of the Class and the Subclass. All members of the Class and Subclass would benefit by a judgment requiring Defendant to stop demanding repayment from Class and Subclass members while any persons

listed in D.C. Mun. Regs. Tit. 29, § 6702.1 is still living. All members of the Subclass would benefit by a money judgment against Defendants requiring that they repay to the members of the Subclass the funds the members of the Subclass paid to Defendants, plus interest.

40. Mr. Just-Buddy and Ms. D. Kingsbury are represented by counsel experienced in federal and state court actions concerning Medicaid benefits and in class actions.

41. Defendants have acted or refused to act on grounds applicable to members of the Class and Subclass as a whole, and therefore injunctive relief and corresponding declaratory relief are appropriate.

AS AND FOR A FIRST CAUSE OF ACTION

42. Mr. Just-Buddy and Ms. D. Kingsbury repeat and reallege all of the allegations set forth in all of the above paragraphs as though fully set forth herein.

43. By virtue of the foregoing, Defendants have violated, are violating and will violate 42 U.S.C. § 1983 in that they have violated, are violating and will violate 42 U.S.C. § 1396p(b)(2) and 42 C.F.R. § 433.36(h)(2).

WHEREFORE, Mr. Just-Buddy and Ms. D. Kingsbury and the members of the Class and the Subclass pray for a judgment:

A. Certifying the Class and the Subclass appointing Mr. Just-Buddy and Ms. D. Kingsbury as the representatives of the Class and Mr. Just-Buddy as the representative of the Subclass, and appointing Mr. Just-Buddy's and Ms. D. Kingsbury's attorneys as Class and Subclass counsel;

B. Declaring that Defendants' policy or practice of requiring estates of persons — who have received Medicaid benefits from DHS and and who have died leaving as a survivor any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 — to pay back DHS for those benefits while any of those persons is still living, violated, violates and will violate 42 U.S.C. §

1983 in that it violated, violates and will violate 42 U.S.C. § 1396p(b)(2) and 42 C.F.R. § 433.36(h)(2);

C. Ordering Defendants to cease demanding and requiring Class and Subclass members — estates of persons, who have received Medicaid benefits from the DHS and who have died leaving any of the persons listed in D.C. Mun. Regs. Tit. 29, § 6702.1 still living, — to pay back DHS for those benefits while any of those persons is still living;

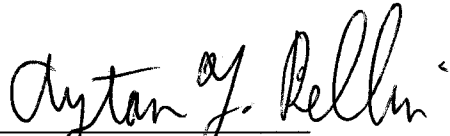
D. Ordering Defendants to repay to the members of the Subclass the funds the members of the subclass paid to Defendants, plus interest;

E. Ordering Defendants to pay Mr. Just-Buddy, Ms. D. Kingsbury and the Class and Subclass members' attorneys' fees, expenses and costs of this action pursuant to 42 U.S.C. § 1988; and

F. Ordering such further and other relief as this Court shall deem just and proper.

Dated: White Plains, New York
April 3, 2017

BELLIN & ASSOCIATES LLC

By: 

Aytan Y. Belin, Esq.

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FORSTER LAW FIRM

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(motion for admission *pro hac vice* to be
filed shortly)

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RON M. LANDSMAN, P.A.

By: Ron M. Landsman, Esq.

(motion for admission *pro hac vice* to be
filed shortly)

200-A Monroe Street, Suite 110

Rockville, Maryland 20850

*Attorneys for Mr. Just-Buddy, Ms. D.
Kingsbury and for the Proposed Class and
Subclass*

CIVIL COVER SHEET

JS-44 (Rev. 7/16 DC)

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|--|--|
| <p>I. (a) PLAINTIFFS</p> <p>JOHN I. JUST-BUDDY, as the Personal Representative of the Estate of LUCILLE L. JUST-BUDDY, and DIONNE KINGSBURY, as the Personal Representative of the Estate of RONALD KINGSBURY, on behalf of themselves and all others similarly situated,</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> | <p>DEFENDANTS</p> <p>MURIEL BOWSER, in her official capacity as Mayor of the District of Columbia, and LAURA GREEN ZEILINGER, in her official capacity as the Director of the District of Columbia Department of Human Services,</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p><small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> |
| <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</p> <p>Bellin & Associates LLC, 50 Main Street, Suite 1000, White Plains, NY 10606; (914) 358-5345</p> | <p>ATTORNEYS (IF KNOWN)</p> |

| <p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table> | | PTF | DFT | | PTF | DFT | Citizen of this State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business in This State | <input type="radio"/> 4 | <input type="radio"/> 4 | Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="radio"/> 5 | <input type="radio"/> 5 | Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 |
|--|--|-------------------------|---|-------------------------|-------------------------|-----|-----|-----------------------|-------------------------|-------------------------|---|-------------------------|-------------------------|--------------------------|-------------------------|-------------------------|---|-------------------------|-------------------------|---|-------------------------|-------------------------|----------------|-------------------------|-------------------------|
| | PTF | DFT | | PTF | DFT | | | | | | | | | | | | | | | | | | | | |
| Citizen of this State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business in This State | <input type="radio"/> 4 | <input type="radio"/> 4 | | | | | | | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="radio"/> 5 | <input type="radio"/> 5 | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 | | | | | | | | | | | | | | | | | | | | |

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

| | | | |
|--|---|---|---|
| <p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p> | <p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p> | <p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p> | <p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p> |
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| <p><input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p> | | | |
| <p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> | <p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> | <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> | <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p> |

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| <input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee | <input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)* | <input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)* | <input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans) |
| <input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education | <input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | <input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act) |

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 42 U.S.C. Secs. 1983, 1396p(b)(2)(A) - Improper Recovery by D.C. from Estates of Medicaid Recipients

| | | | |
|------------------------------------|---|---------------------|--|
| VII. REQUESTED IN COMPLAINT | CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input checked="" type="checkbox"/> | DEMAND \$ | Check YES only if demanded in complaint YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| | | JURY DEMAND: | |

| | | | |
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| VIII. RELATED CASE(S) IF ANY | (See instruction) | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | If yes, please complete related case form |
|-------------------------------------|-------------------|---|---|

| | |
|----------------|---|
| DATE: 4/7/2017 | SIGNATURE OF ATTORNEY OF RECORD: <i>Clyton J. Bellm</i> |
|----------------|---|

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

JOHN I. JUST-BUDDY, as the Personal Representative of the Estate of LUCILLE L. JUST-BUDDY, and DIONNE KINGSBURY, as the Personal Representative of the Estate of RONALD KINGSBURY, on behalf of themselves and all others similarly situated,

Plaintiff(s)

v.

MURIEL BOWSER, in her official capacity as Mayor of the District of Columbia, and LAURA GREEN ZEILINGER, in her official capacity as the Director of the District of Columbia Department of Human Services,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MURIEL BOWSER, John A. Wilson Building, 1350 Pennsylvania Avenue, NW Washington, DC 20004

LAURA GREEN ZEILINGER, DC Department of Human Services, 64 New York Avenue, NE, 6th Floor, Washington, DC 20002

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Aytan Y. Bellin, Esq., Bellin & Associates LLC, 50 Main Street, Suite 1000, White Plains, NY 10606

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims Government Unlawfully Collects Medicaid Repayment](#)
