

Wiley Rein Wins Jury Verdict Halting Eviction of DC Resident

July 13, 2018

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Washington, DC – Wiley Rein successfully defended a 62-year-old DC resident, who has physical limitations, from eviction in a two-day jury trial before Judge Anthony C. Epstein in the Superior Court of the District of Columbia. The jury returned a verdict in favor of Wiley Rein's client on July 10.

The landlord seeking to evict Wiley Rein's client had argued that to prevail in this case DC law arguably would require him to prove only that he personally intended to occupy the tenant's rented room. Wiley Rein's advocacy led the Court to increase the landlord's burden, which resulted in a jury verdict that allows the tenant to avoid eviction.

Wiley Rein partner Kenneth E. Ryan and associate Colin J. Cloherty argued the case at trial, and are representing the tenant on a pro bono basis, assisted by paralegal Josephine Gibbens. The case was referred to Wiley Rein by the Legal Counsel for the Elderly.

The landlord issued the tenant a Notice to Vacate for Personal Use in December 2016. The landlord originally brought his complaint before the Landlord-Tenant Court, but Wiley Rein secured certification of the matter to D.C. Superior Court for a jury trial. Wiley Rein represented the tenant throughout a yearlong discovery process and in trial preparation.

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The central issue at trial was whether the landlord, in good faith, intended to reclaim the unit for his own personal use. The landlord faced a low threshold to establish his claim. In response to the landlord's low burden of proof, Wiley Rein asserted two legal arguments:

- First, Wiley Rein argued that the landlord retaliated against the tenant by issuing the December 2016 eviction notice just days after losing two earlier cases against the tenant. The Court agreed, concluding that DC law required the landlord to satisfy the "clear and convincing evidence" standard of proof, rather than the lower "preponderance of the evidence" standard.
- Second, Wiley Rein argued that DC law required the landlord to establish his good-faith intent both at the time of the December 2016 Notice to Vacate and at the time of trial in July 2018. Again, the Court agreed and instructed the jury accordingly.

In returning a verdict for Wiley Rein's client, the jury concluded that the landlord failed to show that he had a good-faith intent to move into the unit in December 2016. As a result, the client was not evicted and is able to continue living in his home.

Wiley Rein prides itself on a strong and rich tradition of service to the local and global community, and encourages its lawyers to participate in pro bono activities.