

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
KRYSTLE BROWN)	
)	Civil Action No. 13-686 (ESH)
Individually and on Behalf of a Class)	
of Similarly Situated Plaintiffs,)	
)	
Plaintiff,)	
)	
v.)	
)	
DISTRICT OF COLUMBIA,)	
)	
CATHY LANIER, CHIEF OF POLICE,)	
)	
and)	
)	
VINCENT GRAY, MAYOR,)	
)	
_____)	
Defendants.)	

CONSENT MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendants respectfully move this Court to dismiss Plaintiff’s Class Action Complaint as moot. The grounds and reasons for granting Defendants’ motion are set forth in the accompanying Memorandum of Points and Authorities and proposed Order.

DATE: June 29, 2015

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Acting Deputy Attorney General
Public Interest Division

/s/ Toni Michelle Jackson
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Defendants.)	

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF CONSENT MOTION TO DISMISS

, Defendants move the Court to dismiss Plaintiff’s Class Action Complaint (“Complaint”) as moot. *See* F. R. C. P. 12(b)(1) and (b)(6).

Article III of the Constitution gives federal courts jurisdiction to decide only “actual, ongoing controversies.” *See Honig v. Doe*, 484 U.S. 305, 317 (1988). “Even where litigation poses a live controversy when filed, the mootness doctrine requires a federal court to refrain from deciding it if events have so transpired that the decision will neither presently affect the parties’ rights nor have a more-than-speculative chance of affecting them in the future.”

LaRoque v. Holder, 679 F.3d 905, 907 (D.C. Cir. 2012) (quoting *Clarke v. United States*, 915 F.2d 699, 701 (D.C. Cir. 1990) (en banc)).

In her Complaint, Plaintiff Brown asserted that Defendants violated her rights when they seized and retained her car for civil forfeiture because of three purported constitutional

infirmities in the District of Columbia's civil forfeiture laws. Compl., ¶¶ 59-64. Specifically, she alleged that the laws were unconstitutional because they: (1) did not provide for a prompt post-deprivation hearing to challenge the retention of her vehicle pending the outcome of the civil forfeiture proceedings; (2) required her to pay a cost bond to challenge the forfeiture of her car; and (3) gave decisionmaking powers over the vehicle's seizure and the bond amount to the Metropolitan Police Department ("MPD"), which had financial interests in the outcomes. *Id.* The Complaint sought only declaratory and injunctive relief. *Id.* at 15.

On June 16, 2015, the Congressional review period ended for the Civil Asset Forfeiture Amendment Act of 2014 ("Act"), 62 D.C. Reg. 1920 (Feb. 13, 2015). The Act provides prompt post-deprivation retention hearings, eliminated cost bonds, and all money from civil forfeitures will now go the D.C. General Fund, not MPD. *Id.* at 1, §§ 106, 110(a)(2) & (a)(3). Further, Plaintiff Brown's car was returned to her more than two years ago.

Plaintiff Brown's case is moot. The return of her car alone arguably mooted the case. *See Alvarez v. Smith*, 558 U.S. 87, 93-94 (2009) (dismissing a challenge to a municipality's civil forfeiture procedures as moot when the plaintiff's car was returned during the pendency of the case). Any additional relief that Plaintiff (or the putative class she sought to represent) could have received under the Complaint was mooted as of the effective date of the Act. The fact that there is nothing left to decide in this case is clear from Plaintiff's consent to dismissal. *See generally U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 411 (1980) (stating that a case becomes moot when the parties are no longer adverse). Thus, this Court no longer has jurisdiction over the case and should dismiss it.

DATE: June 29, 2015

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

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 Defendants.)

Civil Action No. 13-686 (ESH)

ORDER

Upon consideration of the Consent Motion to Dismiss, it is this ____ day of _____, 2015, ORDERED that Plaintiffs' Class Action Complaint is DISMISSED WITH PREJUDICE.

ELLEN HUVELLE
JUDGE, UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA