

Superior Court of the District of Columbia

Filed
D.C. Superior Court
12/15/2021 09:39 AM
Clerk of the Court

CIVIL DIVISION- CIVIL ACTIONS BRANCH INFORMATION SHEET

Food Animal Concerns Trust, 3525 West Peterson Avenue, Chicago, IL 60659
vs

Case Number: 2021 CA 004708 B

Date: December 14, 2021

Cargill, Inc., P.O. Box 9300, Minneapolis, MN 55440

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

Name: <i>(Please Print)</i> Kim E. Richman	Relationship to Lawsuit
Firm Name: Richman Law & Policy	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: Six digit Unified Bar No.: 718-705-4579 1022978	<input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
Demand: \$ _____ 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 type="checkbox"/> 01 Breach of Contract | <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 checked="" 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

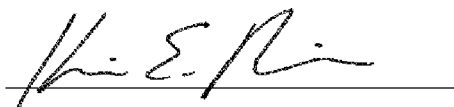
- | | |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input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

II.

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

D. REAL PROPERTY

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



Attorney's Signature

December 14, 2021

Date

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

<p>FOOD ANIMAL CONCERNS TRUST, 3525 West Peterson Avenue Chicago, IL 60659,</p> <p style="text-align:right">Plaintiff,</p> <p style="text-align:center">v.</p> <p>CARGILL, INC., P.O. Box 9300 Minneapolis, MN 55440,</p> <p style="text-align:right">Defendant.</p>	<p>Case No. <u>2021 CA 004708 B</u></p> <p>COMPLAINT</p> <p><u>DEMAND FOR JURY TRIAL</u></p>
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Plaintiff Food Animal Concerns Trust (“FACT”) brings this action against Defendant Cargill, Inc. (“Cargill”) and alleges the following based upon personal knowledge, information, and belief. This Complaint is on behalf of the general public of the District of Columbia, in the interest of consumers.

INTRODUCTION

1. This is a consumer-protection case concerning deceptive marketing representations about turkey products. This case is brought by FACT, a nonprofit, public-interest organization dedicated to consumer protection. FACT seeks no monetary damages, only an end to the deceptive marketing and advertising at issue. FACT acts on behalf of the general public of the District of Columbia.

2. Cargill is one of the largest privately held companies in the United States.¹ Cargill produces, processes, markets, and distributes fresh, frozen, and value-added turkey, beef, and pork products. The products at issue in this Complaint are Cargill’s “Honeysuckle White” and “Shady Brook Farms”² turkey products (the “Products”).³

3. In its marketing of the Products, Cargill makes representations designed to convey to D.C. consumers that the Products are (1) sustainable and environmentally friendly (“Sustainability Representations”), (2) raised and produced humanely according to higher animal welfare standards (“Animal Welfare Representations”), and (3) produced by “independent family farmers” (“Family Farmer Representations”).⁴ Examples of these representations are seen in the images below.

Image 1⁵



¹ *America’s Largest Private Companies*, Forbes, <https://www.forbes.com/largest-private-companies/list/> (last visited Dec. 13, 2021).

² Cargill sells turkey products to consumers under its Shady Brook Farms and Honeysuckle White brands. *See Turkey*, Cargill, <https://www.cargill.com/foodservice/turkey> (last visited Dec. 13, 2021).

³ Discovery may reveal that additional Cargill brands and products should be included within the scope of the allegations in this Complaint, and Plaintiff FACT reserves the right to add such products.

⁴ Discovery may reveal that additional representations should be included within the scope of the allegations in this Complaint, and Plaintiff FACT reserves the right to add such representations.

⁵ *Sustainability*, Cargill, <https://www.cargill.com/meat-poultry/sustainability-in-protein-na> (last visited Dec. 13, 2021).

Image 2⁶

Cargill is committed to sustainable practices across our poultry supply chain.

Image 3⁷

All Shady Brook Farms turkeys are raised by independent family farmers with care. Look for the code on select fresh Shady Brook Farms whole turkeys to find out where your turkey was raised.

4. Cargill’s Sustainability Representations lead D.C. consumers to believe that the Products are “sustainable” and “environmentally conscious,” that they “reduce environmental impact,” and that Cargill’s producers are “good stewards of the land.”

5. In reality, the Products are made from turkeys industrially farmed using unsustainable and environmentally destructive practices, and Cargill regularly fails to comply with even baseline environmental laws.

6. Cargill’s Animal Welfare Representations lead D.C. consumers to believe that it is an “industry leader in animal welfare” that “maintain[s] high standards,” “hold[s] [itself and its suppliers] accountable for the humane treatment of animals,” and “ensure[s] that the animals under [its] care are . . . treated in a manner that provides comfort.”

7. In reality, Cargill’s production practices are emblematic of modern industrial animal agriculture, where turkeys are crowded into massive warehouses, suffer from debilitating health conditions, and are painfully slaughtered while fully conscious.

⁶ *Id.*

⁷ This language is on the bottom of multiple website pages for the Shady Brook Farms and Honeysuckle White brands. See Shady Brook Farms, <https://shadybrookfarms.com/> (last visited Dec. 13, 2021); Honeysuckle White, <https://honeysucklewhite.com/> (last visited Dec. 13, 2021).

8. Cargill's Family Farmer Representations lead D.C. consumers to believe that the Products are sourced from independent small-scale farms that provide numerous benefits for animals and the environment.

9. In reality, Cargill utilizes large-scale industrial farms and exercises comprehensive control over its farmers' production practices.

10. Thus, Cargill's marketing representations—which suggest that the Products are sustainable and produced in accordance with higher animal welfare standards—are false and misleading to D.C. consumers.

STATUTORY FRAMEWORK

11. This action is brought under the District of Columbia Consumer Protection Procedures Act ("CPPA"), D.C. Code § 28-3901, *et seq.*

12. The CPPA makes it a violation for "any person" to, *inter alia*:

Represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;

Represent that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are of another;

Misrepresent as to a material fact which has a tendency to mislead;

Fail to state a material fact if such failure tends to mislead;

Use innuendo or ambiguity as to a material fact, which has a tendency to mislead;

Advertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered; or

D.C. Code § 28-3904(a), (d), (e), (f), (f-1), (h).

13. A violation of the CPPA may occur regardless of "whether or not any consumer is in fact misled, deceived or damaged thereby." *Id.* § 28-3904.

14. The CPPA “establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia.” *Id.* § 28-3901(c). The statute “shall be construed and applied liberally to promote its purpose.” *Id.*

15. Because FACT is a public-interest organization pursuant to D.C. Code § 28-3901(15), it may act on behalf of the general public and bring any action that an individual consumer would be entitled to bring:

[A] public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such trade practice.

Id. § 28-3905(k)(1)(D)(i). Subparagraph (A) provides: “A consumer may bring an action seeking relief from the use of a trade practice in violation of a law of the District.”

16. A public-interest organization may act on behalf of consumers, *i.e.*, the general public of the District of Columbia, so long as the organization has “sufficient nexus to the interests involved of the consumer or class to adequately represent those interests.” *Id.* § 28-3905(k)(1)(D)(ii). As set forth in this Complaint, *see infra* ¶¶ 90-92, Plaintiff FACT’s mission is to advocate for and educate consumers, including consumers in the District of Columbia. FACT thus has a sufficient nexus to D.C. consumers to adequately represent their interests.

17. This is not a class action, or an action brought on behalf of a specific consumer or consumers, but an action brought by FACT on behalf of the general public, *i.e.*, D.C. consumers generally. No class certification will be requested.

18. This action does not seek damages. Instead, FACT seeks to end the unlawful conduct directed at D.C. consumers through declaratory and injunctive relief. Remedies available

under the CPPA include “[a]n injunction against the use of the unlawful trade practice” and “[a]ny other relief which the court determines proper.” *Id.* § 28- 3905(k)(2)(D), (F).

FACT ALLEGATIONS

19. Cargill markets the Products in the District of Columbia. It seeks to reach the District consumer base online through social media, its company website, and other media.

20. Through the Products’ advertising and online media, Cargill markets the Products with Sustainability Representations, including “BETTER PROTEIN. BETTER SUSTAINABILITY,” and “CONSERVING FOR THE FUTURE.”

21. Through the Products’ advertising and online media, Cargill markets the Products with Animal Welfare Representations, including “The humane treatment of animals in our supply chains . . . is critical,” and, “[A]nimals . . . are raised in a setting that allows the expression of natural behaviors.”

22. Through the Products’ advertising and online media, Cargill markets the products with Family Farmer Representations, including, “All [Shady Brook Farms and Honeysuckle White] turkeys are raised by independent family farmers with care,” and “[Shady Brook Farms and Honeysuckle White are] committed to the health and safety of our employees, independent family farmers, and customers.”

23. As described *infra*, Sections I-III, Cargill’s marketing representations lead D.C. consumers to believe that (1) its Products are made in a sustainable and environmentally friendly manner, (2) its Products are made from turkeys who are raised and slaughtered humanely and in accordance with higher animal welfare standards, and (3) its Products are sourced from “independent family farmers.” These representations are false and misleading.

I. Cargill’s Sustainability Representations Suggest That the Products Are Produced According to Higher Environmental Standards, Which Is False and Misleading.

A. Cargill Makes Sustainability Representations Through Its Online Advertising and Social Media Presence.

24. Throughout Cargill’s marketing and social media, Cargill makes representations that lead consumers to believe that the Products are sustainable, and that Cargill’s farmers are “good stewards of the land.”

25. On a page of its website labeled “Sustainability,” Cargill claims that it is “committed to sustainable practices across our poultry supply chain” and boasts that it aims to “ensure the most sustainable food chains in the world.”⁸

26. Cargill also highlights the purportedly sustainable nature of the Products with large, all-capital representations such as “BETTER PROTEIN. BETTER SUSTAINABILITY.”⁹

27. On its website, Cargill represents that it is “CONSERVING FOR THE FUTURE” and working to be “good stewards of the land.”¹⁰

28. Cargill has a history of making Sustainability Representations. Through its YouTube videos advertising the same purportedly pastoral farming methods, Cargill represents that its farmers “try to get other farmers to protect our environment and pass it on to the next generation.”¹¹ These videos remain available online to D.C. consumers.

⁸ *Sustainability*, Cargill, <https://www.cargill.com/meat-poultry/sustainability-in-protein-na> (last visited Dec. 13, 2021).

⁹ *TRACE YOUR TURKEY TO THE FAMILY FARM THAT RAISED IT*, Shady Brook Farms, <https://shadybrookfarms.com/trace-your-turkey/> (last visited Dec. 13, 2021); *TRACE YOUR TURKEY TO THE FAMILY FARM THAT RAISED IT*, Honeysuckle White, <https://www.honeysucklewhite.com/trace-your-turkey/> (last visited Dec. 13, 2021).

¹⁰ *CONSERVING FOR THE FUTURE*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/craig-nancy/> (last visited Dec. 13, 2021); *CONSERVING FOR THE FUTURE*, Shady Brook Farms, <https://www.shadybrookfarms.com/our-farmers/craig-nancy/> (last visited Dec. 13, 2021).

¹¹ Honeysuckle White, *A More Beautiful Barn—Craig and Nancy*, YouTube (June 2, 2015), https://www.youtube.com/watch?v=FuZGzHLHxbQ&feature=emb_logo; Shady Brook Farms, *A More Beautiful Barn - Craig and Nancy*, YouTube (June 2, 2015), <https://www.youtube.com/watch?v=liKlZvFpbM8>.

29. Cargill has built its reputation throughout the years by representing to D.C. consumers that many of its farmers “incorporate environmentally conscious practices into their business”¹² and that “[n]ourishing people, animals and the planet in a safe, responsible and sustainable way is what we do.”¹³

B. Contrary to Cargill’s Sustainability Representations, the Products Are Produced and Sourced Using Unsustainable and Environmentally Destructive Practices.

30. Contrary to Cargill’s representations that it delivers “sustainable” products, Cargill is consistently ranked as one of the largest polluters of air and waterways in the country.

31. Far from being “good stewards of the land,” Cargill has been the subject of a major lawsuit by the State of Oklahoma, which alleged that Cargill was responsible for the “pollution” and “degradation” of the Illinois River Watershed.¹⁴

32. The State of Oklahoma determined that Cargill, among other misdeeds, may have contaminated drinking water and recreation areas and caused injury to and destruction of wildlife.¹⁵

33. Additionally, a 2019 study published in the *International Journal of Environmental Research and Public Health* stated that Cargill’s mode of “[i]ndustrial poultry production is widely known as a major environmental hazard.”¹⁶

¹² See screenshot of Shady Brook Farms Website from February 5, 2018, WaybackMachine, <https://web.archive.org/web/20180205043436/http://www.shadybrookfarms.com/about-our-turkey/independent-farmers/>; Screenshot of Honeysuckle White Website from February 25, 2020, WaybackMachine, <https://web.archive.org/web/20200225221501/https://www.honeysucklewhite.com/about-our-turkey/independent-farmers/> (Though these exact representations are no longer available for consumers, Cargill has built its reputation during the relevant timeframe on such claims.)

¹³ *Shady Brook Farms becomes first turkey brand to meet Certified Responsible Antibiotic Use (CRAU) standards*, Cargill (Feb. 6, 2017), <https://www.cargill.com/2017/shady-brook-farms-becomes-first-turkey-brand-to-meet-crau>.

¹⁴ Eric Lipton & Coral Davenport, *Scott Pruitt, Trump’s E.P.A. Pick, Backed Industry Donors Over Regulators*, New York Times (Jan. 14, 2017), https://www.nytimes.com/2017/01/14/us/scott-pruitt-trump-epa-pick.html?_r=0.

¹⁵ *Oklahoma v. Tyson Foods, Inc. et al.*, No. 4:05-cv-00329-GKF-SAJ (N.D. Okla. 2005) (This case is still active).

¹⁶ Leah Baskin-Graves et al., *Rapid Health Impact Assessment of a Proposed Poultry Processing Plant in Millsboro, Delaware*, Int. J. Environ. Res. Health. (Sept. 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6765835/> (last visited Dec. 13, 2021).

34. The same study stated that such massive industrial poultry plants “[would likely cause increased levels of air, soil and water pollution, additional odor issues, and increased traffic and related pollution and safety issues.”¹⁷

35. Cargill’s production practices also contribute to the growth of harmful antibiotic resistant pathogens that negatively impact the environment and human and animal health.

36. USDA testing at Cargill turkey plants detected *Salmonella* strains that are resistant to highly important antibiotics and commonly associated with illness.

37. A study in the *Journal of Environmental Health* concluded that “the use of antimicrobials in poultry production”—as is common practice at Cargill’s facilities—“leads to the selection of a large pool of [antibiotic] resistance genes and that wastewater treatment processes are unable to inactivate the bacteria and thus will result in dissemination of resistant *E. coli* into the environment.”¹⁸ Thus, treating waste or wastewater from poultry slaughter plants does not neutralize antibiotic-resistant pathogens, nor does it prevent these pathogens from entering the environment.¹⁹

38. Contaminants from facilities like Cargill’s often “end up in the marine environment and may have a significant risk on the public health.”²⁰

39. Thus, Cargill’s marketing of the Products—which suggests that they are “sustainable” and made in an “environmentally conscious” manner—is false and misleading to D.C. consumers.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ P.M. da Costa et al., *Antimicrobial Resistance in Escherichia Coli Isolated in Wastewater and Sludge from Poultry Slaughterhouse Wastewater Plants*, 70 *J. Env’l Health* 40, 40 (2008), <https://www.ncbi.nlm.nih.gov/pubmed/18348391>.

²⁰ Abdellah El Boulani et al., *Salmonella in Wastewater: Identification, Antibiotic Resistance and the Impact on the Marine Environment*, In Tech Open (Apr. 5, 2017), <https://www.intechopen.com/chapters/54428>.

II. Cargill’s Animal Welfare Representations Suggest That the Products Are Humane and Produced According to Higher Animal Welfare Standards, Which Is False and Misleading.

A. Cargill Makes Animal Welfare Representations Throughout Its Online Advertising and Social Media Presence.

40. Cargill’s marketing expressly leads D.C. consumers to believe that the company treats animals humanely and adheres to higher animal welfare standards in its production of the Products.

41. Cargill makes numerous superlative statements regarding its animal husbandry practices. For example, Cargill represents that it is “committed to leading our industry by developing and implementing best practices for animal welfare.”²¹

42. On the “Animal Welfare at Cargill” page of its company website, Cargill represents that it is “an industry leader in animal welfare.”²²

43. On its Shady Brook Farms and Honeysuckle White brand websites, Cargill claims to be “living up to our promises” of sourcing turkeys who are “responsibly raised.”²³

²¹ *Responses to the 2020 BBFAW Survey*, Cargill, www.cargill.com/page/bbfaw (last visited Dec. 13, 2021)

²² *Animal Welfare at Cargill*, Cargill, <https://www.cargill.com/meat-poultry/animal-welfare-at-cargill> (last visited June 11, 2021).

²³ *About Our Turkey*, Shady Brook Farms, <https://shadybrookfarms.com/about-our-turkey/> (last visited Dec. 13, 2021); *About Our Turkey*, Honeysuckle White, <https://honeysucklewhite.com/about-our-turkey/> (last visited Dec. 13, 2021).

Image 4²⁴

LIVING UP
..... TO OUR
PROMISES

**WE ARE COMMITTED TO
PROVIDING PREMIUM
PRODUCTS RAISED WITH CARE
AND RESPECT.**

44. Also on its turkey brands' websites, Cargill purports to “maintain animal welfare standards” that provide for the “humane treatment of turkeys” and “exceed USDA requirements.”²⁵

45. Throughout its online media, Cargill represents that it ensures the humane treatments of its animals, advertising that Cargill holds itself “accountable for the humane treatment of animals.”²⁶

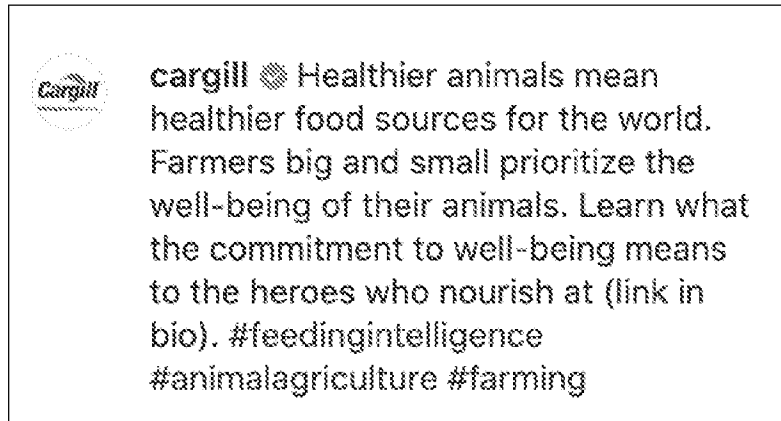
46. As depicted in the image below, Cargill also advertises its commitment to higher animal welfare standards on its social media outlets.

²⁴ *Id.*

²⁵ *FAQ*, Shady Brook Farms, <https://shadybrookfarms.com/faq/> (last visited Dec. 13, 2021); *FAQ*, Honeysuckle White, <https://honeysucklewhite.com/faq/> (last visited Dec. 13, 2021).

²⁶ *Global Commitment Statement*, Cargill, <https://www.cargill.com/meat-poultry/global-commitment-statement> (last visited Dec. 13, 2021).

Image 5²⁷



47. Cargill emphasizes its purported commitment to the welfare of its animals by indicating that there is a personal and custodial relationship between its farmers and the animals; for example, in the webpages for the Products, Cargill represents that “for Glenn [a Cargill supplier] . . . it’s about genuinely taking care of the animals.”²⁸

48. Cargill also makes more specific representations about its animal husbandry practices, including that its “animals . . . are raised in a setting that allows for the expression of natural behaviors”²⁹ and that it ensures its animals “[f]reedom from fear and distress.”³⁰

B. Contrary to Cargill’s Representations, the Products Are Not Produced According to Higher Animal Welfare Standards, and Cargill Does Not Treat Turkeys “Humanely.”

49. Far from ensuring the welfare or humane treatment of its animals, Cargill’s production practices are emblematic of modern industrial animal agriculture, where animals are treated as mere units of production.

²⁷ Cargill (@cargill), Instagram, (Nov. 9, 2019), https://www.instagram.com/p/B4iIN6MFk3g/?utm_source=ig_web_copy_link.

²⁸ *GENERATIONS OF LIVING “THE GOOD LIFE”*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/glenn-kathy/> (last visited Dec. 13, 2021); *GENERATIONS OF LIVING “THE GOOD LIFE”*, Shady Brook Farms, <https://www.shadybrookfarms.com/our-farmers/glenn-kathy/> (last visited Dec. 13, 2021).

²⁹ *Responses to the 2020 BBFAW Survey*, *supra* note 21.

³⁰ *Animal Welfare at Cargill*, *supra* note 22.

50. Turkeys in Cargill's supply chain are crowded by the tens of thousands into massive, barren industrial warehouses.

51. The environment is devoid of meaningful stimuli, with no opportunity for turkeys to explore, forage, roost, or form normal social groups.

52. Scientists have found that this extreme deprivation and overcrowding causes psychological distress, leading to harmful behaviors, including feather-pecking and cannibalism.³¹

53. Furthermore, the build-up of excrement creates unsanitary conditions where disease, burns, blisters, and respiratory problems from noxious gases are commonplace.³²

54. These unsanitary and overcrowded facilities are extremely conducive to the emergence and rapid spread of disease, and thereby prompt the aggressive use of antibiotics and other chemicals that may contaminate the environment.

55. Turkeys raised in this manner suffer debilitating congenital health problems due to selective breeding to produce extremely large and rapidly growing birds; the rapid growth and heavy body weight of these turkeys causes painful conditions including muscle damage, cardiovascular problems, skin lesions, bone deformities, lesions in the hip joint, and the rupture of tendons and ligaments.³³

56. Practices common in warehouses like Cargill's include the systematic amputation of turkeys' toes and beaks without any pain relief³⁴; dumping live chicks in grinding machines called "macerators"; and boiling turkeys alive or cutting their throats while they are fully conscious.³⁵

³¹ *An HSUS Report: The Welfare of Animals in the Turkey Industry*, Humane Society of the U.S., <https://www.humanesociety.org/sites/default/files/docs/hsus-report-turkey-welfare.pdf> (last visited Dec. 13, 2021).

³² *Id.*

³³ *Id.*

³⁴ *Responses to the 2020 BBFAW Survey*, *supra* note 21 (Cargill refers to these amputations as beak and toe "treatments").

³⁵ *An HSUS Report: The Welfare of Animals in the Turkey Industry*, *supra* note 31.

57. Cargill also boasts that its animal welfare guidelines “exceed USDA requirements,” but this is misleading given that the USDA does not have *any* requirements for the treatment of turkeys on farms.

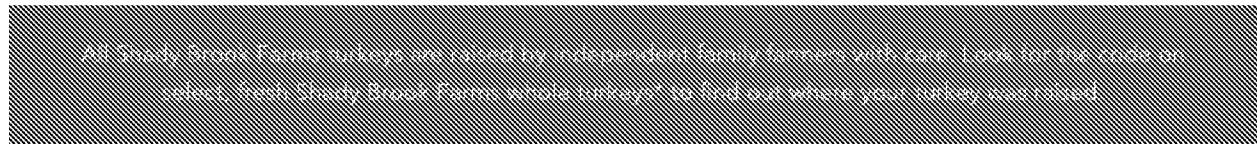
58. Thus, Cargill’s marketing of the Products—which suggests that the Products are produced humanely and according to higher animal welfare standards—is false and misleading to D.C. consumers.

III. Cargill’s Claims That the Products Are Sourced From “Independent Family Farmers” Are False and Misleading.

A. Cargill Makes Family Farm Representations Throughout Its Online Advertising and Social Media Presence.

59. On its websites, Sustainability Reports, and social media, Cargill represents that the products are sourced from “independent family farmers.”

Image 6³⁶



60. Similarly, on its website, Cargill states, “All [Shady Brook Farms and Honeysuckle White] turkeys are raised by independent family farmers with care,”³⁷ and that Cargill is “committed to the health and safety of our employees, independent family farmers, and customers.”³⁸

³⁶ Shady Brook Farms, <https://shadybrookfarms.com/> (last visited Dec. 13, 2021); *Thank You to Our Family Farmers*, Shady Brook Farms, <https://shadybrookfarms.com/our-farmers/> (last visited Dec. 13, 2021); Honeysuckle White, <https://www.honeysucklewhite.com/> (last visited Dec. 13, 2021); *Thank You To Our Family Farmers*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/> (last visited Dec. 13, 2021); *Conserving for the Future*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/craig-nancy/> (last visited Dec. 13, 2021).

³⁷ *Id.*

³⁸ *Id.*

61. On the Honeysuckle White and Shady Brook Farms websites, there are identical YouTube videos and images that represent Cargill’s farms as small and “independent” family businesses.³⁹

62. As discussed *infra* in Section IV, representations that the Products are sourced from “independent family farmers” are material to consumers, who are keenly interested in avoiding products from large, corporate-controlled factory farms, which they view as having inferior animal welfare and environmental standards.

B. Contrary to Cargill’s Representations, the Products Are Not Produced by Independent Family Farms.

63. In contrast to these representations, Cargill’s operations are far from “independent” family farms.

64. A report from the Small Business Administration Office of Inspector General (“SBA OIG”) concluded that large poultry companies exercise “comprehensive control” over the farmers that raise birds for their products and restrict “practically all of the [farmer’s] ability to operate their businesses independent of integrator mandates.”⁴⁰

65. Cargill is a prime example of a “vertically integrated” large poultry producer like those at issue in the SBA OIG report. Cargill controls all aspects of the farming and production

³⁹ *SUSTAINED FOR TODAY, AND GENERATIONS TO COME*, Shady Brook Farms, <https://www.shadybrookfarms.com/our-farmers/glenn-sheri/> (last visited Nov. 17, 2020); *SUSTAINED FOR TODAY, AND GENERATIONS TO COME*, Honeysuckle White, <https://www.honeysucklewhite.com/our-farmers/glenn-sheri/> (last visited Nov. 17, 2020); Shady Brook Farms, *360° Riverhill Farms Tour*, YouTube (Jan. 1, 2017), https://www.youtube.com/watch?time_continue=48&v=sVVcUDHE3UE&feature=emb_logo; Honeysuckle White, *360° Riverhill Farms Tour*, YouTube (Jan. 1, 2017), https://www.youtube.com/watch?v=noqBgOAXYf8&feature=emb_logo.

⁴⁰ Evaluation of SBA 7(A) Loans Made to Poultry Farmers, U.S. Small Business Administration Office of the Inspector General (Mar. 6, 2018).

process including: the breeds of turkeys used, the feed the turkeys are provided, the drugs administered, and the number of turkeys allowable in each barn.⁴¹

66. In reality, contract farmers do not even own the turkeys they raise—Cargill does.⁴²

67. Cargill’s farmers have no ability to exercise independent judgment about their farming practices but are mandated to farm according to precise specifications calculated by Cargill to maximize profits, which requires the farming of birds by the tens of thousands in massive industrial barns.

68. No reasonable consumer would consider Cargill’s farmers to be independent given the extent of Cargill’s control and ability to restrict farmers’ production practices.

69. Cargill knows that consumers have increasingly sought to avoid products produced by factory farms, and has deceptively marketed the Products as “independent” to capitalize on growing consumer concern.

IV. Cargill’s Representations About the Products Violate the CPPA.

70. The CPPA makes it a violation for “any person” to, *inter alia*:

Represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;

Represent that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are of another;

Misrepresent as to a material fact which has a tendency to mislead;

Fail to state a material fact if such failure tends to mislead;

Use innuendo or ambiguity as to a material fact, which has a tendency to mislead;

⁴¹ Sam Bloch & Joe Fassler, *Why Cargill’s “blockchain-based” turkeys obscure more than they reveal*, The Counter (Nov. 23, 2018) <https://thecounter.org/cargill-blockchain-traceable-turkey-contract-farming-reality-thanksgiving/>.

⁴² *Id.*

Advertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered; or

D.C. Code § 28-3904(a), (d), (e), (f), (f-1).

71. D.C. consumers care about buying poultry products that are produced in a manner that is sustainable and humane. Consumers rely on representations like those made by Cargill to identify poultry products that are sourced and produced in the manner they seek.

72. As set forth *supra* in Section I, Cargill’s Sustainability Representations—which suggest to consumers that the Products are made in accordance with higher environmental standards—are false and misleading to D.C. consumers.

73. In warning letters to other companies, the Federal Trade Commission (“FTC”) has acknowledged that the terms “sustainable” and “eco-friendly” can be “interpreted to imply certain specific environmental benefits.” The FTC has “admonished” companies for using unqualified claims such as “sustainable” and “eco-friendly” due to the FTC’s determination that “it is highly unlikely that they can substantiate all reasonable interpretations of these claims.”⁴³

74. Cargill’s Sustainability Representations are material to consumers.

75. Researchers have found that consumers seek out and choose to buy products that are marketed as “sustainable.”⁴⁴

76. Further, consumers are willing to pay significantly more for products that are marketed as environmentally friendly and “green.”⁴⁵

⁴³ *FTC Sends Warning Letters to Companies Regarding Diamond Ad Disclosures*, Federal Trade Commission (Apr. 2, 2019), <https://www.ftc.gov/news-events/press-releases/2019/03/ftc-sends-warning-letters-companies-regarding-diamond-ad>.

⁴⁴ *Report shows a third of consumers prefer sustainable brands*, Unilever (May 1, 2017) <https://www.unilever.com/news/press-releases/2017/report-shows-a-third-of-consumers-prefer-sustainable-brands.html>.

⁴⁵ Michel Laroche et. al, *Targeting consumers who are willing to pay more for environmentally friendly products*, *J. of Consumer Marketing*, 2020 Vol. 18.6, 503 – 520, <http://dx.doi.org/10.1108/EUM0000000006155> (last visited Dec. 13, 2021).

77. A study on consumer perception of the phrase “ecologically sustainable” found that, out of 235 responses, only 4% “expressed skepticism about the term [‘ecologically sustainable’], stating that they felt it was primarily a marketing term without real meaning.” Accordingly, researchers have found that overall, consumers are willing to pay a substantial price premium for products labeled as “ecologically sustainable” because these representations are meaningful.⁴⁶

78. As set forth *supra* in Section II, Cargill’s Animal Welfare Representations—which suggest to consumers that the Products are humanely raised and produced, and that Cargill is an “industry leader” in animal welfare—are false and misleading to D.C. consumers.

79. Cargill’s Animal Welfare Representations are material to consumers.

80. Research has shown that consumers place significant value on food carrying assurances of higher animal welfare.⁴⁷

81. These findings also suggest that consumers not only seek out products with animal welfare representations but are willing to pay more for these products as well.⁴⁸

82. A 2014 survey of more than 5,900 consumers in the United States found that 94.4% of respondents said they were very concerned about farm animal welfare, and more than 75% said they were willing to pay more for products that were labeled as humanely raised.⁴⁹

83. As set forth *supra* in Section III, Cargill’s “Family Farm” representations—which suggest to consumers that the Products do not come from large, industrial, corporate-controlled farms—are false and misleading to D.C. consumers.

⁴⁶ Loren McClenachan et al., *Fair trade fish: consumer support for broader seafood sustainability*, 17 *Fish & Fisheries* 825 (Sept. 2016).

⁴⁷ C. Victor Spain et al., *Are They Buying It? United States Consumers’ Changing Attitudes toward More Humanely Raised Meat, Eggs, and Dairy*, 8.8 *Animals* 128 (July 2018).

⁴⁸ *Id.*

⁴⁹ American Humane Association, *Humane Heartland Farm Animal Welfare Survey* (Aug. 28, 2014) <https://www.americanhumane.org/publication/2014-humane-heartland-farm-animal-welfare-survey/>.

84. Consumers believe that food from “independent family farms” does not come from large, industrial, corporate-controlled farms. Further, consumers believe that “family farmer” claims such as those made by Cargill imply numerous beneficial attributes for animals, and the environment.

85. Consumer survey data has shown that:

- a. “71% of respondents believe small scale family farms are more likely to care about food safety than large scale industrial farms”,⁵⁰
- b. Family farms are viewed as “better stewards of the environment and as doing more to ensure the protection of [resources], and the welfare of livestock than corporate farms”,⁵¹
- c. Respondents had strong negative opinions about how the consolidating structure of agriculture will influence the environment, society, and local economies”,⁵²
- d. “69% of respondents believe animals have better lives on ‘small’ farms than ‘corporate’ farms.”⁵³

86. Through its Sustainability Representations, Animal Welfare Representations, and Family Farm Representations, Cargill has represented that the Products have a source, characteristics, and benefits that they do not have (in violation of § 28-3904(a)); represented that the Products are of a particular standard or quality when they are in fact of another (in violation of § 28-3904(d)); misrepresented as to a material fact which has a tendency to mislead (in violation

⁵⁰ Bob Scowcroft, *Roper Poll Shows Consumers Trust Family Farms*, Institute for Agriculture and Trade Policy (May 4, 2004), <https://www.iatp.org/news/roper-poll-shows-consumers-trust-family-farms>.

⁵¹ Richard W. Rathge & Cheryl J. Wachenheim, *Societal Perceptions of Agriculture*, *Agribusiness and Applied Economics Report* 449 (2000), 10.22004/ag.econ.23541.

⁵² *Id.*

⁵³ Jayson L. Lusk et al., *Consumer Preferences for Farm Animal Welfare: Results of a Nationwide Telephone Survey*, (Aug. 17, 2007), <http://cratefreefuture.com/pdf/American%20Farm%20Bureau-Funded%20Poll.pdf>.

of § 28-3904(e)); failed to state a material fact when such failure tends to mislead (in violation of § 28-3904(f)); used innuendo or ambiguity as to a material fact, which has a tendency to mislead (in violation of § 28-3904(f-1)); and advertised or offered the Products without the intent to sell them as advertised or offered (in violation of § 28-3904(h)).

PARTIES

87. Defendant Cargill, Inc. is a privately held company incorporated in Delaware with its principal executive office in Minnetonka, Minnesota.

88. Cargill produces, processes, markets, and distributes fresh, frozen, and value-added turkey, beef, and pork products in the United States.

89. Cargill's turkey products are available in a variety of supermarket chains, regional stores, and other retail outlets in the District. Cargill markets these products under the names "Honeysuckle White" and "Shady Brook Farms."

90. Plaintiff Food Animals Concerns Trust is a 501(c)(3) nonprofit, public-interest organization whose mission is to help consumers make informed food choices and to promote policies that make foods from animals safe and health to eat. FACT works to promote truth in advertising, corporate accountability, and environmental sustainability.

91. FACT performs its work throughout the United States, including in the District. For example, FACT has created a restaurant guide specifically for D.C. consumers seeking humane food options.⁵⁴

⁵⁴ *Dining Out Humanely: A Guide to Washington D.C. Restaurants for the Conscientious Consumer*, FACT, <https://static1.squarespace.com/static/57d30c09893fc08d22e87aaf/t/5b044f0bf950b75de2454bfb/1527009037182/Humane+Restaurants+DC+5.22.18.pdf> (last visited Dec. 13, 2021).

92. FACT represents and advances the rights and interests of consumers by promoting informed choice and educating consumers on issues regarding food safety, animal welfare and industrial agriculture, environmental sustainability, and corporate accountability.

JURISDICTION

93. This Court has personal jurisdiction over the parties in this case. FACT has a presence in the District and consents to this Court having personal jurisdiction over the organization.

94. This Court has personal jurisdiction over Cargill because Cargill has purposefully directed its conduct at the general public of the District and has availed itself of the benefits and protections of District of Columbia law. Cargill's advertising, including the representations enumerated in this Complaint, is accessible in the District. Cargill's Products can be, and are, purchased in the District by District consumers.

95. This Court has subject-matter jurisdiction over this action under the CPPA, D.C. Code § 28-3901, *et seq.*

CAUSE OF ACTION

Violations of the District of Columbia Consumer Protection Procedures Act

96. FACT incorporates by reference all the allegations of the preceding paragraphs of this Complaint.

97. FACT is a nonprofit, public-interest organization that brings these claims on behalf of the general public of D.C. consumers. *See* D.C. Code § 28-3905(k)(1)(D)(i).

98. Through § 28-3905(k)(1)(D)(i) and § 28-3905(k)(1)(A), the CPPA explicitly allows a public-interest organization to stand in the shoes of a consumer to seek relief from any violation of the CPPA.

99. Cargill is a “person” and a merchant that provides “goods” within the meaning of the CPPA. *See id.* § 28-3901(a)(1), (3), (7).

100. As set forth *supra* in Sections I and IV, Cargill has advertised and marketed the Products with Sustainability Representations (*e.g.*, “BETTER PROTEIN. BETTER SUSTAINABILITY,” “environmentally conscious,” “sustainable,” “reduce environmental impact”) when, in fact, the Products are made using environmentally destructive practices. Thus, Cargill has violated the CPPA by “represent[ing] that goods . . . have a source, . . . characteristics, . . . [or] benefits . . . that they do not have”; “represent[ing] that goods . . . are of a particular standard [or] quality . . . if in fact they are of another”; “misrepresent[ing] as to a material fact which has a tendency to mislead”; “fail[ing] to state a material fact if such failure tends to mislead”; “us[ing] innuendo or ambiguity as to a material fact, which has a tendency to mislead”; and “advertis[ing] or offer[ing] goods . . . without the intent to sell them as advertised or offered.” *Id.* § 28-3904(a), (d), (e), (f), (f-1), (h).

101. As set forth *supra* in Sections II and IV, Cargill has advertised and marketed the Products with Animal Welfare Representations (*e.g.*, “accountable for the humane treatment of animals” and “treated in a manner that provides comfort”) when, in fact, the Products are made from factory farmed turkeys subject to inhumane conditions. Thus, Cargill has violated the CPPA by “represent[ing] that goods . . . have a source, . . . characteristics, . . . [or] benefits . . . that they do not have”; “represent[ing] that goods . . . are of a particular standard [or] quality . . . if in fact they are of another”; “misrepresent[ing] as to a material fact which has a tendency to mislead”; “fail[ing] to state a material fact if such failure tends to mislead”; “us[ing] innuendo or ambiguity as to a material fact, which has a tendency to mislead”; and “advertis[ing] or offer[ing] goods . . . without the intent to sell them as advertised or offered.” *Id.* § 28-3904(a), (d), (e), (f), (f-1), (h).

102. As set forth *supra* in Sections III and IV, Cargill has advertised and marketed the Products with Family Farmer Representations (*e.g.*, “Independent Family Farmers”) when, in fact, the Products are sourced from large, industrial, corporate-controlled farms. Thus, Cargill has violated the CPPA by “represent[ing] that goods . . . have a source, . . . characteristics, . . . [or] benefits . . . that they do not have”; “represent[ing] that goods . . . are of a particular standard [or] quality . . . if in fact they are of another”; “misrepresent[ing] as to a material fact which has a tendency to mislead”; “fail[ing] to state a material fact if such failure tends to mislead”; “us[ing] innuendo or ambiguity as to a material fact, which has a tendency to mislead”; and “advertis[ing] or offer[ing] goods . . . without the intent to sell them as advertised or offered.” *Id.* § 28-3904(a), (d), (e), (f), (f-1), (h).

JURY TRIAL DEMAND

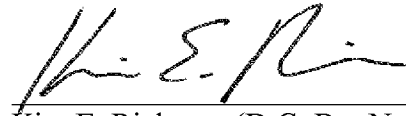
103. Plaintiff FACT hereby demands a trial by jury.

PRAYER FOR RELIEF

Wherefore, Plaintiff FACT prays for judgment against Cargill and requests the following relief:

- a. A declaration that Cargill’s conduct is in violation of the CPPA;
- b. An order enjoining Cargill’s conduct found to be in violation of the CPPA; and
- c. An order granting Plaintiff FACT costs and disbursements, including reasonable attorneys’ fees and expert fees, and prejudgment interest at the maximum rate allowable by law.

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Counsel for Plaintiff FACT



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Telephone: (202) 879-1133 • Website: www.dccourts.gov

FOOD ANIMAL CONCERNS TRUST

Vs.

CARGILL, INC.

C.A. No. 2021 CA 004708 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure

("Super. Ct. Civ. R.") 40-1, it is hereby ORDERED as follows:

(1) This case is assigned to the judge and calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of service on each defendant of copies of (a) the summons, (b) the complaint, and (c) this Initial Order and Addendum. The court will dismiss the claims against any defendant for whom such proof of service has not been filed by this deadline, unless the court extended the time for service under Rule 4(m).

(3) Within 21 days of service (unless otherwise provided in Rule 12), each defendant must respond to the complaint by filing an answer or other responsive pleading. The court may enter a default and a default judgment against any defendant who does not meet this deadline, unless the court extended the deadline under Rule 55(a).

(4) At the time stated below, all counsel and unrepresented parties shall participate in a remote hearing to establish a schedule and discuss the possibilities of settlement. Counsel shall discuss with their clients **before** the hearing whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this hearing.**

(5) If the date or time is inconvenient for any party or counsel, the Civil Actions Branch may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. To reschedule the hearing, a party or lawyer may call the Branch at (202) 879-1133. Any such request must be made at least seven business days before the scheduled date.

No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Anita M. Josey-Herring

Case Assigned to: Judge TODD E EDELMAN

Date: December 16, 2021

Initial Conference: **REMOTE HEARING - DO NOT COME TO COURTHOUSE
SEE REMOTE HEARING INSTRUCTIONS ATTACHED TO INITIAL ORDER**

9:30 am, Friday, March 18, 2022

Location: Courtroom JM-4

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

D.C. Code § 16-2821, which part of the Medical Malpractice Proceedings Act of 2006, provides, "[a]fter action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ('ISSC'), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC."

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. D.C. Code § 16-2825 Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. Unrepresented plaintiffs who elect not to eFile must either mail the form to the Multi-Door Dispute Resolution Office at, Suite 2900, 410 E Street, N.W., Washington, DC 20001, or deliver if in person if the Office is open for in-person visits.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following people are required by D.C. Code § 16-2824 to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code§ 16-2826. Any Plaintiff who is unrepresented may mail the form to the Civil Actions Branch at [address] or deliver it in person if the Branch is open for in-person visits. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Anita M. Josey-Herring

Civil Remote Hearing Instructions for Participants

The following instructions are for participants who are scheduled to have cases heard before a Civil Judge in a **Remote Courtroom**

Option 1: (AUDIO ONLY/Dial-in by Phone):

Toll 1 (844) 992-4762 or (202) 860-2110, enter the Meeting ID from the attachment followed by #, press again to enter session.

- *Please call in no sooner than 5 minutes before your scheduled hearing time. Once you have joined the session, please place your phone on mute until directed otherwise. If you should happen to get disconnected from the call, please call back in using the phone number and access number provided and the courtroom clerk will mute your call until the appropriate time.*

If you select **Option 2** or **Option 3** use the **Audio Alternative**

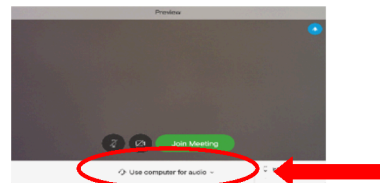
Option 2: (LAPTOP/ DESKTOP USERS 1):

Open Web Browser in Google Chrome and copy and paste following address from the next page:
<https://dccourts.webex.com/meet/XXXXXXXXXX>

Option 3: (LAPTOP/ DESKTOP USERS 2):

Open Web Browser in Google Chrome and copy and paste following address
<https://dccourts.webex.com> Select **Join**, enter the Meeting ID from the next page

AUDIO ALTERNATIVE: Instead of automatically using **USE COMPUTER FOR AUDIO**, select **CALL-IN** and follow the **CALL-IN** prompt window. Use a cell phone or desk phone. You will be heard clearer if you **do not** place your phone on **SPEAKER**. It is very important that you enter the **ACCESS ID #** so that your audio is matched with your video.



Option 4: (Ipad/SMART PHONE/TABLET):

- Go to App Store, Download WebEx App (Cisco WebEx Meetings)
- Sign into the App with your Name and Email Address
- Select Join Meeting
- Enter address from the next page: <https://dccourts.webex.com/meet/XXXXXXXXXX>
- Click join and make sure your microphone is muted and your video is unmuted (if you need to be seen). If you only need to speak and do not need to be seen, use the audio only option.
- When you are ready click "Join Meeting". If the host has not yet started the meeting, you will be placed in the lobby until the meeting begins.

For Technical Questions or issues Call: (202) 879-1928, Option #2

Superior Court of the District of Columbia
Public Access for Remote Court Hearings
(Effective August 24, 2020)

The current telephone numbers for all remote hearings are: 202-860-2110 (local) or 844-992-4726 (toll free). After dialing the number, enter the WebEx Meeting ID as shown below for the courtroom. Please click a WebEx Direct URL link below to join the hearing online.

Audio and video recording; taking pictures of remote hearings; and sharing the live or recorded remote hearing by rebroadcasting, live-streaming or otherwise are not allowed

Division	Courtroom	Types of Hearings Scheduled in Courtroom	Public Access via WebEx	
			WebEx Direct URL	WebEx Meeting ID
Auditor Master	206	Auditor Master Hearings	https://dccourts.webex.com/meet/ctbaudmaster	129 648 5606
Civil	100	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb100	129 846 4145
	205	Foreclosure Matters	https://dccourts.webex.com/meet/ctb205	129 814 7399
	212	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb212	129 440 9070
	214	Title 47 Tax Liens; and Foreclosure Hearings	https://dccourts.webex.com/meet/ctb214	129 942 2620
	219	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb219	129 315 2924
	221	Civil 1 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb221	129 493 5162
	318	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb318	129 801 7169
	320		https://dccourts.webex.com/meet/ctb320	129 226 9879

400	Judge in Chambers Matters including Temporary Restraining Orders, Preliminary Injunctions and Name Changes	https://dccourts.webex.com/meet/ctb400	129 339 7379
415	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb415	129 314 3475
516		https://dccourts.webex.com/meet/ctb516	129 776 4396
517		https://dccourts.webex.com/meet/ctb517	129 911 6415
518		https://dccourts.webex.com/meet/ctb518	129 685 3445
519		https://dccourts.webex.com/meet/ctb519	129 705 0412
JM-4		https://dccourts.webex.com/meet/ctbjm4	129 797 7557
A-47	Housing Conditions Matters	https://dccourts.webex.com/meet/ctba47	129 906 2065
B-52	Debt Collection and Landlord and Tenant Trials	https://dccourts.webex.com/meet/ctbb52	129 793 4102
B-53	Landlord and Tenant Matters including Lease Violation Hearings and Post Judgment Motions	https://dccourts.webex.com/meet/ctbb53	129 913 3728
B-109	Landlord and Tenant Matters	https://dccourts.webex.com/meet/ctbb109	129 127 9276
B-119	Small Claims Hearings and Trials	https://dccourts.webex.com/meet/ctbb119	129 230 4882