SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

4800 WISCONSIN AVENUE LLC

:

v. : Case No. 2018 CA 004426 B

:

CLASSIC MOTORS OF

WASHINGTON, DC, LLC, et al

ORDER

The Court grants the motion of plaintiff 4800 Wisconsin Avenue LLC ("Plaintiff") for entry of a default judgment against defendants, Classic Motors of Washington, D.C. LLC and Cesare F. Santangelo.

In its June 21, 2018 complaint, Plaintiff alleges that Defendants breached its commercial lease agreement and guaranty of the lease. Plaintiff alleges that Classic Motors failed to pay any of the \$66,780.00 judgment entered against it on March 29, 2018 and failed to pay rent owed since the judgment in the amount of \$22,378.93. Plaintiff also alleges that Mr. Santangelo, who was the guarantor of the lease, is liable for the \$66,780.00 judgment in addition to the \$22,378.93 in rent owed. After they were served, Defendants did not respond within the time allowed by Rule 12, and the clerk entered a default on August 17. On October 10, Plaintiff filed its motion for a default judgment ("Motion"). Defendants have not filed an opposition within the time allowed by Rule 12-I(e).

Rule 12-I(e) permits, but does not require, a court to treat unopposed motions as conceded. For a substantive motion like this one, "[t]he general principle ... is that [a conceded motion provision] may properly be utilized only where the movant has established a prima facie entitlement to relief." *District of Columbia v. Davis*, 811 A.2d 800, 804 (D.C. 2002); *see National Voter Contact, Inc. v. Versace*, 511 A.2d 393, 397 (D.C. 1986). Moreover, "the entry

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of a default operates as an admission by the defaulting party that there are no issues of liability, leaving only damages to be determined." *See Luna v. A.E. Engineering Services, LLC*, 938 A.2d 744, 750 (D.C. 2007) (quotations omitted).

Here, based on its examination of the record, the Court concludes that Plaintiff has established a prima facie entitlement to the relief it seeks. By defaulting, Defendants have conceded that they owe the \$98,642.68 sought in the well-pleaded complaint. Plaintiff has also filed a Servicemembers Civil Relief affidavit establishing that Mr. Santangelo is not currently serving in the military.

For these reasons, the Court grants Plaintiff's motion and is entering a separate judgment in favor of Plaintiff.

Anthony C. Epstein
Judge

Date: October 29, 2018

Copies to:

Cameron M. Hames Counsel for Plaintiff

Classic Motors of Washington, DC, LLC c/o Northwest Registered Agent Service, Inc 1150 Connecticut Avenue, NW, Suite 900 Washington, DC 20036

Cesare F. Santangelo 4751 Reservoir Road Washington, DC 20007 *Defendants*