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No. 24-

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IN THE  
**Supreme Court of the United States**

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SREIT Broad Vista Terrace, L.L.C.,

*Respondent,*

v.

Andrew Aquila,

*Applicant.*

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ON APPLICATION FOR STAY TO THE HONORABLE JOHN G.  
ROBERTS, JR., CHIEF JUSTICE OF THE UNITED STATES AND CIRCUIT  
JUSTICE FOR THE FOURTH CIRCUIT

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**EMERGENCY APPLICATION FOR A STAY OF MANDATE PENDING  
THE FILING AND DISPOSITION OF PETITION FOR CERTIORARI**

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## I. REASONS FOR STAY

The present emergency application for a stay is submitted to this Honorable Court for the following reasons:

1. After removal pursuant to 28 U.S.C. § 1443(1), in contravention of 28 U.S.C. § 1446(d), the Loudoun County General District Court (“State court”) continued to act without jurisdiction. As held by this Honorable Court in *Roman Cath. Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano*, 140 S. Ct. 696, 206 L. Ed. 2d 1 (2020), once a notice of removal is filed, the State court loses all jurisdiction over the case, and being without jurisdiction, its subsequent proceedings and judgment are not simply erroneous, but absolutely void, because every order thereafter made in the State court is *coram non iudice*, i.e., not before a judge. *See* 28 U.S.C. § 1446(d).
2. The U.S. District Court for the Eastern District Court of Virginia (“District Court”) and the U.S. Court of Appeals for the Fourth Circuit (“Court of Appeals”) respectively declined to exercise subject-matter jurisdiction and review appeal. 28 U.S.C. § 1447(d), allowing for appellate review of the District Court’s order remanding a case to State court from which it was removed pursuant to civil rights removal statute, permits the Court of Appeals to review any issue in the District Court’s order remanding the case to State court where Andrew Aquila (“Aquila”) premised removal in part or, for that matter, in whole on civil rights removal statute. *See BP P.L.C. v. Mayor & City Council of Baltimore*, 593 U.S. 230, 141 S. Ct. 1532, 209 L. Ed. 2d 631 (2021).
3. Both the District Court and the Court of Appeals acted as if the exercise of federal jurisdiction were optional. “[C]ourts are obliged to decide cases within the scope of federal

jurisdiction” assigned to them. *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69, 72, 134 S.Ct. 584, 187 L.Ed.2d 505 (2013). If the justifying arguments advanced by the District Court and the Court of Appeals in their *unpublished* opinions were accepted, the exception would swallow the rule. Both the District Court and the Court of Appeals departed from *stare decisis* by deliberately misinterpreting federal statutes and ignoring this Court precedent.

4. As discussed below, the State court, the District Court, and the Court of Appeals issued judgments that undermine public policy and give deference to a private corporation’s interpretation of a State agency’s rules, administrative policies, and guidance in the implementation of a federally created program. Ironically, these three courts’ actions constitute a departure from Fourth Circuit precedent:

Even though a state agency may not benefit from the standard of review established by the Administrative Procedure Act, it is appropriate for us to show some deference to a state agency interpreting regulations under the authority of a federally created program. Although less deference may be due when considering an agency’s interpretative rules than when a federal agency adopts regulations through the official rulemaking process, or when a policy-making agency adjudicates disputes, the nature of our inquiry here is quite similar.

*See Ritter v. Cecil Cnty. Off. of Hous. & Cmty. Dev.*, 33 F.3d 323, 327–28 (4th Cir. 1994)(citations omitted).

5. Actions by these courts, especially the State court’s decision to proceed further with the case pending removal, present the following question of law:

In a removal action pursuant to civil rights statute, may a State court exercise discretion and resume jurisdiction before receipt of the mailed certified copy of the remand order by the District Court?

It appears that there is a split regarding this question of law. Below is our brief discussion of this split.

## II. CONTEXT OF REMOVAL

As to its nature and context, the present matter is a controversy between Aquila, a tenant, and SREIT Broad Vista Terrace, L.L.C., (“SREIT”), a landlord. The events giving rise to this controversy occurred following the enactment of HB 7001<sup>1</sup> by the General Assembly of the Commonwealth of Virginia, which extended the moratorium on evictions through June 30, 2022. SREIT refused to adhere to the mandate of HB 7001 and denied Aquila rental assistance. SREIT justified its denial by the fact that Aquila was neither eligible nor qualified to benefit from rental assistance. The Virginia Department of Housing and Community Development (“DHCD”) disagrees with SREIT and asserts that determination of eligibility or qualification are left to the assessment of DHCD. In *Aquila v. SREIT Broad Vista Terrace LLC*, No. 1:22-CV-1421, 2023 WL 8357952 (E.D. Va. Dec. 1, 2023), *a related matter*, DHCD submitted a sworn affidavit to the District Court, testifying that Aquila was eligible and qualified for rental assistance. Such assessment is based on Aquila’s low income and tax returns. Moreover, DHCD’s sworn affidavit states that SREIT discriminated against Aquila. See Appendix IV. The District Court rejected

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<sup>1</sup> <https://lis.virginia.gov/cgi-bin/legp604.exe?213+ful+CHAP0001>. Last accessed on February 12, 2024.



DHCD's testimony and deferentially adopted SREIT's self-serving interpretation of DHCD's rules, administrative policies, and guidance.

Prior to the District Court's remand order, on April 6, 2023, Aquila properly and timely removed an eviction proceeding from State court to the District Court pursuant to 28 U.S.C. § 1443(1). This removal was perfected because the State court declined to consider Aquila's racial inequality counterclaims. *See* 42 U.S.C. § 1981 and 42 U.S.C. § 1982. The Virginia Residential Landlord and Tenant Act ("VRLTA"), a rather rigid contractual framework defining the landlord-tenant relationship, does not allow a landlord's tortious conduct as a defense. On April 21, 2023, the District Court remanded the case to State court. *See SREIT Broad Vista Terrace, L.L.C. v. Aquila*, No. 1:23-CV-00295, 2023 WL 3072387 (E.D. Va. Apr. 21, 2023), *appeal dismissed*, No. 23-1437, 2023 WL 8643626 (4th Cir. Dec. 14, 2023).

### III. REQUEST FOR RELIEF

Pursuant to 28 U.S.C. § 1651(a), 28 U.S.C. § 2101(f), 28 U.S.C. § 1254(1), Sup. Ct. R. 20, Sup. Ct. R. 22 and Sup. Ct. R. 23 of the Supreme Court of the United States, Aquila respectfully requests that this Honorable Court:

1. Stay the mandate, which was issued on January 31, 2024, by the United States Court of Appeals for the Fourth Circuit in the matter *SREIT Broad Vista Terrace, L.L.C. v. Aquila*, No. 23-1437, 2023 WL 8643626 (4th Cir. Dec. 14, 2023); *see also* Appendix I. This mandate affirms a judgment signed on December 23, 2024. *Id.* The judgment arbitrarily dismisses Aquila's appeal from the District Court's remand order of a case removed from the State court to the District Court on April 6, 2023. *Id.* The appeal was brought pursuant to 28 U.S.C. § 1447(d). The District Court remand order is reviewable because the removal

was brought pursuant to 28 U.S.C. § 1443(1). The notice of appeal filed with the District Court alleges racial inequality pursuant to 42 U.S.C. § 1981 and 42 U.S.C. § 1982. *See State of Ga. v. Rachel*, 384 U.S. 780, 86 S. Ct. 1783, 16 L. Ed. 2d 925 (1966).

2. Vacate the aforementioned judgment and direct the Court of Appeals to review Aquila's appeal on the merits. Considering that Aquila's notice of removal was timely and proper, the District Court's remand order is arbitrary and capricious. Therefore, the District Court has subject-matter jurisdiction upon the civil rights removal pursuant to 28 U.S.C. § 1443(1).
3. Declare void any judgment by the State court. Notwithstanding the fact that the clerk of the State court had not received the certified remand order before May 15, 2023, the State court further proceeded with the removed matter and issued a writ of eviction on May 5, 2023. *See* certified copy of remand order at Appendix I. The State court ordered Aquila's eviction despite his right to redemption pursuant to Va. Code § 55.1-1250 (C). Although full payment was made into the State court, as permitted by Va. Code § 55.1-1250 (A) and as shown by the record, the State court declined termination of the eviction proceeding. *See* Appendix II and Appendix III. By issuing a writ of eviction, the State court was acting without jurisdiction. Although informed, the Court of Appeals declined to intervene and enjoin the State court from further acting without jurisdiction.
4. Grant certiorari considering the circuit split on the interpretation of 28 U.S.C. § 1447(c), relative to when a State court is authorized to resume jurisdiction on matters remanded by a district court. "A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case." *See* 28

U.S.C. § 1447(c). In this respect, Aquila presented to the Court of Appeals the following question for certification pursuant to 28 U.S.C. § 1254(2):

In a removal action pursuant to civil rights statute, may a State court exercise discretion and resume jurisdiction before receipt of the mailed certified copy of the remand order by the District Court?

On February 8, 2024, a panel from the Court of Appeals denied Aquila's motion for certification.

#### IV. PROCEDURAL HISTORY

1. On February 8, 2023, SREIT initiated an eviction proceeding for failure to pay rent.
2. On March 1, 2023, notwithstanding Aquila's offer to pay full rent, *see Appendix II*, the State court issued a judgment of possession and scheduled a trial to determine damages.
3. On April 6, 2023, Aquila timely filed a notice of removal pursuant to 28 U.S.C. § 1443(1).
4. On April 21, 2023, the District Court remanded the case to State court. *See* certified copy of remand order at Appendix I.
5. On April 24, 2023, Aquila filed an appeal with Court of Appeals.
6. On April 24, 2023, Aquila filed an emergency motion to stay pending appeal. *See Docket Entries Nos. 5, 11, and 18*. In this motion, Aquila unambiguously informed the Court of Appeals that the State court was inappropriately acting without jurisdiction. "Promptly after the filing of such notice of removal of a civil action the defendant or

defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and *the State court shall proceed no further unless and until the case is remanded.*” See 28 U.S.C. § 1446(d)(emphasis added).

7. On May 3, 2023, the Court of Appeals summarily denied Aquila’s motion to stay. See Docket Entry No. 19.
8. The Court of Appeals waited till the pronouncement of the final judgment in the State court action before is delivering its *unpublished, per curiam opinion*. On December 14, 2023, the Court of Appeals dismissed Aquila’s appeal as moot and entered judgment. The Court of Appeals also stated that removal would amount to res judicata. The Court of Appeals reasoned that “even if [it] were to review the order and conclude that the remand was in error, relitigation of the unlawful detainer claim would be barred by the doctrine of res judicata.” The Court of Appeals, however, ignored the most pressing issue in the appeal, which is the State court’s action without jurisdiction. See Docket Entries No. 41 and 42.
9. In the same opinion, dated December 14, 2023, the Court of Appeals declined to order the transmission of the State court record. See Docket Entry No. 41. Therefore, it is obvious that the Court of Appeals did not review the State court record prior to making its decision. It is not ever clear how the Court of Appeals reached the conclusion that the State court had pronounced a final judgment.
10. On December 14, 2023, Aquila submitted a petition for panel rehearing. See Docket Entry No. 43.

11. On January 23, 2024, Aquila’s petition for rehearing was denied. *See* Docket Entry No. 47.
12. On January 31, 2024, the Court of Appeals issued its mandate. *See* Docket Entry No. 52.
13. After issuance of mandate, the Court of Appeals, on February 8, 2024, denied certification of the question of law presented above. *See* Docket Entry No. 52.

## V. DISCUSSION OF THE CIRCUIT SPLIT

28 U.S.C. §1447(c) reads that “[a] certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.” However, the State court’s docket shows that the State court proceeded with the case before receipt of the mailed certified order on May 15, 20223. The State court issued a writ of eviction on or about May 5, 2023. *See* Appendix III.

Different interpretations of 28 U.S.C. §1447(c) by different circuit courts raise the serious question on when State courts resume jurisdiction on a remanded matter. A review of the caselaw that addressed this question reveals that there is a circuit split on when a State court may resume jurisdiction. *See Agostini v. Piper Aircraft Corp.*, 729 F.3d 350, 355-56 (3d Cir. 2013) (noting that Section 1447(d) is not triggered until a jurisdiction transferring event occurs, i.e., “the mailing of a certified copy of the remand order to state court”); *Vogel v. U.S. Office Prods. Co.*, 258 F.3d 509, 519 (6th Cir. 2001) (noting that “[i]n dicta, we have recognized that . . . certification generally divests federal courts of jurisdiction”); *Seedman v. U.S. Dist. Ct. for Cent. Dist. of Cal.*, 837 F.2d 413, 414 (9th Cir. 1988) (explaining that “[o]nce a district court certifies a remand order to state court it is divested of jurisdiction and can take no further action in the case”); *Fed. Deposit Ins.*

*Corp. v. Santiago Plaza*, 598 F.2d 634, 636 (1st Cir. 1979) (construing Section 1447(d) to “prohibit even a motion for reconsideration once the state court has resumed jurisdiction”). But *see In re Lowe*, 102 F.3d 731, 736 (4th Cir. 1996) (holding that “a federal court loses jurisdiction over a case as soon as its order to remand the case is entered . . . it cannot reconsider its ruling even if the district court clerk fails to mail to the state court a certified copy of the remand order”); *In re Loudermilch*, 158 F.3d 1143, 1146-47 (11th Cir. 1998) (concluding “[b]ecause the district court’s order to remand was based on the lack of subject matter jurisdiction, the court exceeded its power by reconsidering the second remand and vacating that order”).

## VI. STANDARD FOR GRANTING A STAY

Under the traditional standard for a stay pending judicial review, a court considers four factors: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Nken v. Holder*, 556 U.S. 418, 129 S. Ct. 1749, 173 L. Ed. 2d 550 (2009).

First, Aquila is likely to succeed on the merits. Although the Court of Appeals has jurisdiction on appeals for removals brought to the lower court pursuant to 28 U.S.C. § 1443(1), it did not review Aquila’s appeal on the merits. *See Docket Entry No. 41*. As stated above, the Court of Appeals does not appear to have addressed the issues presented by the appeal. In addition, the Court of Appeals arbitrarily and purposely denied Aquila’s motion to stay State proceedings despite evidence that the State court was patently acting without jurisdiction. The writ of eviction should not have been issued in the first place. As shown by the certification of the State clerk, the certified remand order was received by the State court on May 15, 2023. *See Appendix I*. The

eviction was ordered by the State court on May 5, 2023. See Appendix III. In addition, assuming that the State court acted *inadvertently* in contravention of 28 U.S.C. § 1446(c), which is not the case here, Aquila had timely made full rent payment in accordance with Va. Code § 55.1-1250(A) and Va. Code § 55.1-1250 (C). See Appendix II. Therefore, the eviction was unlawful.

Second, the issuance of a writ of eviction and its execution by the Loudoun County Sheriff's Office on May 25, 2025, caused irreparable damage. Indeed, a record of eviction in error is damaging as it may negatively and severely impact Aquila's ability to qualify for housing. Moreover, it may negatively impact his ability to obtain clearance for employment with the U.S. Government and its contractors. Furthermore, it may impact his credit history rating by credit bureaus.

Third, SREIT will not be injured by the stay because (a) Aquila does not reside on its property and any stay will not restore him as an occupant to said property (b) As testified to by SREIT in a Rule 30 (b)(6) deposition, the property in controversy was sold in June 2023, and (c) SREIT was reported by DHCD to have discriminated against Aquila and, hence, it breached the terms of the lease agreement. See Todd Weinstein's sworn affidavit at Appendix IV.

Finally, Issuance of a stay, pending certiorari, is in the public interest because (a) the three lower courts are clearly in contravention of the federal statutes and this Court's precedent, (b) the three courts actions ignore public policy, and (c) SREIT's unlawful actions undermine public policy and constitute a total disregard of federal law.

## VII. FACTS OF THE CASE

On March 13, 2020, the President of the United States declared the Coronavirus Disease 2019 ("COVID-19") pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to 42 U.S.C. §§

5121-5207. State, Territorial, Tribal, local government entities and certain private non-profit organizations were eligible to apply for federal assistance. In this context, the Commonwealth of Virginia received federal funds to be used for Emergency Rental Assistance. Congress enacted the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act (Public Law 116-136) and the American Rescue Plan Act of 2021 (“ARPA”) (Public Law 117-2). Both CARES and ARPA were enacted to provide rental emergency relief to eligible households, such as Aquila, and prohibit covered landlords, such as SREIT, from filing unlawful detainer actions against covered tenants. CARES and ARPA are codified by 15 U.S.C. § 9058, 15 U.S.C. § 9058a, and 15 U.S.C. § 9058c. Subsequent to the enactment of ARPA, the Commonwealth of Virginia extended the eviction moratorium and additional rental relief for eligible households.

On June 29, 2021, Aquila entered into a lease agreement with SREIT (now his former landlord) to occupy for residential purposes SREIT’s property, which is located at 19800 Cornerstone Square, Apartment 304, Ashburn, Virginia. In exchange for occupying this property, Aquila agreed to pay SREIT \$2010.00 in monthly rent plus charges and fees. The lease agreement reads that Aquila’s tenancy starts on July 19, 2021 and ends on January 18, 2023.

On August 10, 2021, the General Assembly of the Commonwealth of Virginia enacted HB 7001 which extended the moratorium on evictions through June 30, 2022 and allowed eligible and qualified tenants to apply for rental assistance. HB 7001 mandates covered landlords to participate in the Virginia Rent Relief Program (“RRP”) and cooperate with tenants who participate in this program by submitting on their behalf required documentation to have their RRP applications processed by DHCD. HB 7001 also mandates that covered landlords shall not bring any action for nonpayment unless the defaulting tenant (1) does not apply for rental assistance, (2) does not cooperate with the landlord RRP application filed on his or her behalf, or (3) the tenant does not



qualify for rental assistance. Eligibility and qualification criteria under RRP is determined by DHCD, not the landlord.

On January 25, 2022, Aquila submitted an RRP application to have his rent and charges paid by DHCD. Once the application is submitted with a tenant's proof of income, DHCD assigns a controlling number to the application. In Aquila's case, DHCD assigned No. 2286702 to his RRP application. Upon being informed of the application number, the landlord must exercise due diligence and submit on behalf of the tenant the required documentation prescribed by HB 7001, which usually consists of a Virginia W-9 Form, a Resident's Ledger, and any additional affidavits. On January 27, 2022, SREIT supplied on behalf of Aquila the Virginia W-9 Form and the Resident's Ledger to DHCD to support his RRP tenant application No. 2286702. Following the landlord's submission, DHCD assigns a case number to the tenant's RRP application and begins the adjudication process. In Aquila's case, DHCD assigned No. 165499. Aquila became aware of his case number during the discovery process.

While his RRP case No. 165499 was pending for approval, SREIT filed, on April 13, 2022, unlawful detainer action No. GV22006593-00 for nonpayment of rent in the State court. Aquila was served with a *Notice of Nonpayment of Rent and of the Virginia Rent Relief Program – 14-Day Notice to Pay or, Alternatively, to Terminate Lease and Vacate Premises* ("14-Day Notice") dated January 26, 2022. This 14-Day Notice pertinently states:

We shall apply for rental assistance on your behalf within 14 days of serving this notice upon you, unless you pay in full, enter into a payment plan or inform us that you have already applied for rental assistance. If you apply for rental assistance, we will cooperate with your application by providing all information and documentation required to complete the application, including but not limited to the W-9 form and any supporting affidavits.

On May 11, 2022, SREIT received from DHCD a payment in the amount of \$8,180.00 covering rent and charges owed from January 2022 to April 2022. On the same day, SREIT's agent, Andrea Paredes, emailed Aquila and threatened him with "further legal action" if he does not pay the outstanding balance of \$3,418.17.

On the same day, Aquila timely renewed his RRP tenant application and informed Andrea Paredes of the same. Aquila provided her with the DHCD Confirmation No. 2286702-2, which was assigned to his new RRP application by DHCD. Like all SREITs' tenants, Aquila applied for rental assistance through the Gov2Go portal. Gov2Go managed then the flow of RRP applications and provided participating tenants with the status of these applications.

On July 7, 2022, instead of cooperating with Aquila's RRP application No. 2286702-2, SREIT served upon Aquila a *Notice of Material Noncompliance for Nonpayment of Rent – 5-Day Notice to Pay Rent or, Alternatively, to Terminate Lease and Vacate Premises* ("5-Day Notice"). This 5-Day Notice did not make any reference to rental assistance or cooperation with pending RRP tenant applications. On the same day, Aquila called Andrea Paredes and protested the issuance of the 5-Day Notice. He stated to her that the 5-Notice was not warranted because he had already submitted RRP tenant application No. 2286702-2 seeking rental assistance and she, on May 11, 2022, had been made aware of this application. Aquila requested that she submit SREIT's RRP landlord application and the required documentation to support his RRP tenant application No. 2286702-2. Andrea Paredes stated to Aquila that she was not required to submit anything on his behalf because (1) he did not timely submit his application and (2) the deadline for landlord submissions on behalf of its tenants was May 15, 2022. In addition to his inquiry about his RRP application No. 2286702-2, Aquila voiced his concerns to Andrea Paredes regarding the outstanding balance of \$3,418.17. Aquila insisted that the balance is inaccurate because the

payment of \$8,180.00, which SREIT received on May 11, 2022, covers rent (\$2010.00 x 4) and charges (\$35.00 x 4) for the months of January 2022, February 2022, March 2022, and April 2022. Therefore, by May 11, 2022, did not owe more than \$2045.00. Andrea Paredes refused to address Aquila's concerns.

On August 27, 2022, Aquila learned from his neighbor, an African American female, that she had applied for rental assistance on May 31, 2022 – that is more than two weeks after the deadline of May 15, 2022 – and that SREIT submitted RRP landlord applications and the required documentation to DHCD on her behalf and on behalf of other similarly situated neighbors. On the same day, Aquila visited Andrea Paredes in her office to complain of the disparate treatment to which he was subjected by SREIT. Based on his neighbor's statements, Aquila stated to Andrea Paredes that SREIT was discriminating against him on account of his North African ancestry. In particular, Aquila stated to Andrea Paredes that SREIT refused to submit the required RRP landlord application and the supporting documentation matching his RRP tenant application, but submitted the same on behalf of similarly situated tenants.

Upon hearing Aquila's allegations, Andrea Paredes stated to Aquila that his neighbor was "a liar", that SREIT did not submit any documentation on behalf of any tenant past the deadline of May 15, 2022, and that DHCD's web portal does not show any RRP application in Aquila's name. In his affidavit, Todd Weinstein testifies these statements are false. His testimony reveals that SREIT submitted, on or after May 15, 2022, at least twenty landlord applications on behalf of its tenants, *see* WEINSTEIN\_AFFIDAVIT\_000005 to WEINSTEIN\_AFFIDAVIT\_000011 at ¶¶ 12-31. In addition, his testimony reveals that SREIT's claim it was not able to locate Aquila's RRR application is merely a pretext. In his affidavit, Mr. Weinstein testifies that SREIT was not able to locate Aquila's application because, as a matter of privacy policy, "[t]enant [a]pplications

submitted by the tenant online cannot be accessed by landlords and property owners.” WEINSTEIN\_AFFIDAVIT\_000003 at ¶ 7. Moreover, prior to being able to access any tenant application, SREIT must follow the proper procedure and create a new landlord application matching a pending tenant application. Mr. Weinstein further testifies to the following:

A complete application is one that includes an application from both the tenant and landlord with all the appropriate supporting documentation. Specifically, a landlord must submit an online application via Gov2Go with a lease, ledger, and W9 as supporting documentation. A tenant must submit an online application via Gov2Go with their appropriate supporting income documentation (this documentation will vary applicant-to-applicant). Both applications will then be cased together for review and approval. However, if any part of the required components is incomplete, incorrect, or missing, the application is not deemed complete. It will be returned to the applicant with guidance to make corrections. An application cannot be cased and reviewed until these corrections are made.

See WEINSTEIN\_AFFIDAVIT\_000002 at ¶ 3. According to the DHCD-Gov2Go Rent Relief Program Online Application Landlord User Guide (December 2021), for each tenant application, a landlord must follow the procedure set forth therein. As affied by Mr. Weinstein, *see* WEINSTEIN\_AFFIDAVIT\_000002 and WEINSTEIN\_AFFIDAVIT\_000003 at ¶ 4, each landlord must follow exactly the procedure below in order to for the landlord to submit a matching landlord application:

- a. Create Gov2Go Account
- b. Enroll in Rent Relief
- c. Complete Landlord/Property Owner Profile
- d. Create New Landlord Application with tenant information, including his or her application number.

- e. Upload Required Documentation
- f. Submit Landlord Application
- g. Setup Banking Information
- h. Check Application Status

See <https://dhcd.virginia.gov/sites/default/files/Docx/landlord-tenant/landlord-user-guide-rent-relief-application-17DEC2021.pdf>.

On August 27, 2022, Aquila kept on asking Andrea Parades to contact DHCD by telephone and inquire about his application. She refused and stated to Aquila that she was not in the obligation to get in touch with DHCD and inquire about said application. Then, she disparagingly advised him “not to rely too much on rental assistance” to pay rent. Despite Aquila’s insistence, Andrea Paredes refused to address Aquila’s concerns and asked him to leave her office, which he peacefully did.

On October 4, 2022 , SREIT initiated an unlawful detainer action No. GV22010033-00 against Aquila for nonpayment of rent. During a hearing on December 9, 2022, SREIT’s counsel, Amy C. Czekala, with the presence of Kathleen Grey, requested from the State court to nonsuit this action. It appears that the reason for the nonsuit was SREIT’s failure to provide the prescribed 14-Day Notice. For this reason, the State court granted the motion. Before attending the hearing, while waiting outside the courthouse, Aquila overheard a conversation between Kathleen Grey and her counsel. Without being aware of his presence, Kathleen Grey and Amy C. Czekala spewed racial slurs, which were directed at Aquila. Specifically, they called him “Hajji” and “pain-in-the-ass monkey.”

On December 13, 2022, Aquila initiated a civil action alleging, inter alia, intentional discrimination, retaliation, and breach of contract. On December 19, 2022, Aquila submitted a discrimination complaint with the Office of Fair Housing and Equal Opportunity (FHEO), U.S. Department of Housing and Urban Development (HUD). SREIT's counsel was informed and aware of this discrimination complaint.

In retaliation, SREIT initiated a third unlawful detainer action No. GV23001321-00 against Aquila for nonpayment of rent on February 8, 2023. On March 1, 2023, the State court issued a possession judgment despite Aquila's willingness to exercise his right to full redemption and make a full payment<sup>2</sup>. On April 15, 2023, Aquila tendered cashier's check No. 9697700247, withdrawable from his JPMorgan Chase Bank personal account, in the amount of \$29,014.77, to cover the alleged amount in owed rent to SREIT. check was immediately submitted to the State court to avert any eviction. On May 5, 2023, the State court issued a writ of eviction. Assuming that the State court acted inadvertently, Aquila submitted the above-mentioned cashier's check to the clerk and filed a copy thereof. Nonetheless, on May 25, 2023, despite Aquila's right to full redemption, Aquila was evicted. On September 12, 2023, SREIT sought and obtained judgment against Aquila in the amount of \$31,797.63, six percent (6%) post-judgment interest on this amount, plus \$7,949.00 in attorney's fees and \$74.00 in court costs. The hearing preceding judgment was held after the expiration of the statutory 120 days between the first hearing on March 1, 2023 and September 12, 2023. " At the initial hearing, upon request of the plaintiff, the court shall bifurcate the unlawful detainer case and set a continuance date no later than 120 days from

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<sup>2</sup> Aquila made this offer despite the fact that, as mentioned above, he disputed the amount of owed rent.

the date of the initial hearing to determine final rent and damages.” See Va. Code § 8.01-128. Judgment was not executed.

### VIII. CONCLUSION

As set forth above, this case presents an important question of law that this Honorable Court may resolve. Considering the facts and laws of this case, there is evidence that the courts below acted in contravention of the removal statutes and this Court precedent. In addition, their actions did not only cause manifest injustice and irreparable damage, but they also point to a pattern where most federal courts decline to exercise jurisdiction as if its exercise is optional. But the statutory language of 28 U.S.C. § 1443(1), 28 U.S.C. § 1446(c), 28 U.S.C. § 1446(d), and 28 U.S.C. § 1447(d) is clear and unambiguous. It mandates that federal courts exercise subject-matter jurisdiction when the case is properly and timely removed. As supported by the testimony of DHCD, Aquila was aggrieved by SREIT’s unlawful discriminatory practice. Being unable to have the State court address his counterclaims, he timely and properly removed the case to the District Court.

For these reasons, Aquila respectfully requests that this Honorable Court stay the mandate issued by the Court of Appeals and remand the case for further proceedings in accordance with the Court’s holdings in *Roman Cath. Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano*, 140 S. Ct. 696, 206 L. Ed. 2d 1 (2020) and *BP P.L.C. v. Mayor & City Council of Baltimore*, 593 U.S. 230, 141 S. Ct. 1532, 209 L. Ed. 2d 631 (2021). Aquila also requests that this Court grant his petition for a writ of certiorari as to the question of law presented above.

Respectfully submitted on February 12, 2024

Andrew A. Aquila

A handwritten signature in black ink, appearing to read "Aquila". The signature is written in a cursive style with a prominent initial "A" and a horizontal line at the end.



# **APPENDIX I**

GV23001321

9.12  
1:30

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

SREIT BROAD VISTA TERRACE,  
L.L.C.,

Plaintiff,

v.

ANDREW AQUILA,

Defendant.

Civil Action No. 1:23-cv-012-01

2023 MAY 15 PM 12:01  
LOUDOUN COUNTY  
GENERAL DISTRICT COURT

ORDER

THIS MATTER comes before the Court on Defendant's Motion to Stay State Court Proceedings and Writ of Eviction. For the reasons stated from the bench, it is hereby

ORDERED that Defendant's Motion to Stay is DENIED and that this case is REMANDED to the General District Court for Loudoun County, Virginia.

Claude M. Hilton  
CLAUDE M. HILTON  
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia  
April 21, 2023

LOUDOUN COUNTY GENERAL DISTRICT COURT  
I, the undersigned clerk or deputy clerk of the above named court authenticate pursuant to VA Code 8.01-391(c) on this date that the document to which this authentication is affixed is a true copy of a record in the above named court, made in performance of my official duties.

2/6/24

[Signature]  
CLERK/DEPUTY CLERK BY

A TRUE COPY, TESTE:  
CLERK, U.S. DISTRICT COURT

BY [Signature]  
DEPUTY CLERK

FILED: January 31, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 23-1437  
(1:23-cv-00295-CMH-WEF)

---

SREIT BROAD VISTA TERRACE, L.L.C.

Plaintiff - Appellee

v.

ANDREW A. AQUILA

Defendant - Appellant

---

MANDATE

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The judgment of this court, entered December 14, 2023, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

*/s/Nwamaka Anowi, Clerk*

FILED: December 14, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 23-1437  
(1:23-cv-00295-CMH-WEF)

---

SREIT BROAD VISTA TERRACE, L.L.C.

Plaintiff - Appellee

v.

ANDREW A. AQUILA

Defendant - Appellant

---

J U D G M E N T

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In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

---

**No. 23-1437**

---

**SREIT BROAD VISTA TERRACE, L.L.C.,**

**Plaintiff - Appellee,**

**v.**

**ANDREW A. AQUILA,**

**Defendant - Appellant.**

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**Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:23-cv-00295-CMH-WEF)**

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**Submitted: November 16, 2023**

**Decided: December 14, 2023**

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**Before NIEMEYER and AGEE, Circuit Judges, and TRAXLER, Senior Circuit Judge.**

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**Dismissed by unpublished per curiam opinion.**

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**Andrew A. Aquila, Appellant Pro Se. Alfredo Acin, OFFIT KURMAN, PA, Tysons Corner, Virginia, for Appellee.**

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**Unpublished opinions are not binding precedent in this circuit.**

**PER CURIAM:**

Andrew A. Aquila appeals the district court's order remanding to the state court the unlawful detainer action that Aquila had removed to the federal district court. Before Aquila filed the notice of removal, the state court entered judgment of possession in favor of SREIT Broad Vista Terrace, L.L.C. After the district court remanded the case, the unlawful detainer action proceeded to final judgment in the state court. Therefore, even if we were to review the order and conclude that the remand was in error, relitigation of the unlawful detainer claim would be barred by the doctrine of res judicata. *See Sykes v. Texas Air Corp.*, 834 F.2d 488, 490-91 (5th Cir. 1987). Accordingly, we dismiss the appeal as moot. *See Fleet Feet, Inc. v. NIKE, Inc.*, 986 F.3d 458, 463 (4th Cir. 2021). We deny Aquila's motion to compel the transmission of the state court record to this court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*

FILED: February 8, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 23-1437  
(1:23-cv-00295-CMH-WEF)

---

SREIT BROAD VISTA TERRACE, L.L.C.

Plaintiff - Appellee

v.

ANDREW A. AQUILA

Defendant - Appellant

---

O R D E R

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Upon consideration of appellant's motion for certification of question to the Supreme Court, the court denies the motion.

Entered at the direction of Senior Judge Traxler with the concurrence of Judge Niemeyer and Judge Agee.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: January 23, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 23-1437  
(1:23-cv-00295-CMH-WEF)

---

SREIT BROAD VISTA TERRACE, L.L.C.

Plaintiff - Appellee

v.

ANDREW A. AQUILA

Defendant - Appellant

---

O R D E R

---

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Niemeyer, Judge Agee, and  
Senior Judge Traxler.

For the Court

/s/ Nwamaka Anowi, Clerk



FILED: May 3, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 23-1437  
(1:23-cv-00295-CMH-WEF)

---

SREIT BROAD VISTA TERRACE, L.L.C.

Plaintiff - Appellee

v.

ANDREW A. AQUILA

Defendant - Appellant

---

O R D E R

---

Upon review of submissions relative to the motion for stay pending appeal,  
the court denies the motion.

Entered at the direction of Senior Judge Traxler with the concurrence of  
Judge Niemeyer and Judge Agee.

For the Court

/s/ Patricia S. Connor, Clerk

# **APPENDIX II**



**Terms and Conditions (Remitter and Payee):**

- \* Please keep this copy for your record of the transaction
- \* The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
  - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
  - In most cases, the funds will be considered "abandoned" before the "Void After" Date
- \* Placing a Stop Payment on a Cashier's Check
  - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
  - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- \* Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

LOUDOUN COUNTY GENERAL DISTRICT COURT  
 I, the undersigned clerk or deputy clerk of the above named court authenticate pursuant to VA Code 8.01-391(c) on this date that the document to which this authentication is affixed is a true copy of a record in the above named court, made in performance of my official duties.  
 Date 2/6/24  
 CLERK/DEPUTY CLERK BY [Signature]

**FOR YOUR PROTECTION SAVE THIS COPY  
CASHIER'S CHECK**

**Customer Copy**

**9697700247**

04/15/2023

Void after 7 years

**Remitter:** ANDREW AUGUSTINE AQUILA

**\*\*\* 29,014.77 \*\***

**Pay To The Order Of:** CLERK OF THE COURT LOUDOUN COUNTY

Drawer: **JPMORGAN CHASE BANK, N.A.**

**NON NEGOTIABLE**

Memo: \_\_\_\_\_

Note: For information only. Comment has no effect on bank's payment.

282111107 NEW 01/21 8810004306

HOLD DOCUMENT AT ANGLE TO VIEW ARTIFICIAL WATERMARK ON BACK

**CHASE** **CASHIER'S CHECK**

Date 04/15/2023 **9697700247** 25-3  
 Void after 7 years 440

**Remitter:** ANDREW AUGUSTINE AQUILA

**Pay To The Order Of:** CLERK OF THE COURT LOUDOUN COUNTY

**Pay:** TWENTY NINE THOUSAND FOURTEEN DOLLARS AND 77 CENTS **\*\*\* 29,014.77 \*\***

Drawer: **JPMORGAN CHASE BANK, N.A.**  
Rebecca Griffin  
 Rebecca Griffin, Chief Administrative Officer  
 JPMorgan Chase Bank, N.A.  
 Columbus, OH

Do not write outside this box

Memo: \_\_\_\_\_  
 Note: For information only. Comment has no effect on bank's payment.

Small logo: Equal Housing Lender

# **APPENDIX III**

**REQUEST FOR WRIT OF EVICTION IN UNLAWFUL DETAINER PROCEEDINGS**  
Commonwealth of Virginia Va. Code § 8.01-471

LOUDOUN COUNTY  
CITY OR COUNTY

General District Court  Circuit Court

TO THE COURT:  
I/we, the plaintiff(s) in this proceeding, request that this court issue a writ of eviction against the  
defendants with regard to the following premises:

19800-CORNERSTONE SQUARE # 304  
Ashburn, VA 20147

This request is made upon a judgment for possession dated: 03/01/2023

I/we present that, following the entry of the judgment for possession, the landlord has not entered into a new  
written rental agreement with the tenant.

This writ of eviction is requested pursuant to the Virginia Residential Landlord and Tenant Act. The landlord has  
provided the required notice set forth in Virginia Code § 55.1-1250.

05/04/2023

DATE

PLAINTIFF'S ATTORNEY  PLAINTIFF'S AGENT  
Offit Kurman PC/ Amy Czekela VSB: 74861  
PRINTED NAME OF [ ] AGENT  ATTORNEY

**WRIT OF EVICTION**  
Va. Code §§ 8.01-470, 8.01-472

**TO ANY AUTHORIZED OFFICER:**

You are hereby commanded in the name of the Commonwealth to cause the Plaintiff(s) to have possession  
of the following premises from the defendant(s):

19800-CORNERSTONE SQUARE # 304  
Ashburn, VA 20147

**FOR EVICTION CONTACT:**

Kathleen Grey, (703) 729-9810  
Andrea Paredes, (703) 729-9810

You are further commanded to make a return before me within 30 days of this date as to the day and manner  
of executing this writ.

MAY - 5 2023

DATE

[ ] JUDGE

**Notice to Defendant (Tenant):**

If the landlord has checked the box above that this writ of eviction is requested pursuant to the Virginia Residential  
Landlord and Tenant Act, and the only reason for the entry of an order of possession was nonpayment of rent, then  
you, or someone on your behalf, may pay the landlord, the landlord's attorney or the court all amounts claimed on the  
Summons for Unlawful Detainer, including current rent, damages, late fees, costs of court, any civil recovery, attorney  
fees and sheriff fees, including the sheriff fees for service of the writ of eviction if payment is made after issuance of  
the writ, no less than 48 hours before the date and time scheduled by the sheriff for the eviction, in order to avoid the  
eviction. You may pay by cashier's check, certified check or money order. If you appeal the unlawful detainer case  
and pay any required bond, writ tax and costs after the sheriff has served the notice of intent to execute the writ of  
eviction, you must notify the sheriff of your appeal.

FORM DC-469 07/22

LOUOUN COUNTY GENERAL DISTRICT COURT  
The undersigned clerk or deputy clerk of the above  
named court authenticate pursuant to VA Code § 8.01-390  
on this day that the document to which this authentication  
is affixed is a true copy of a record in the above named  
court made in performance of my official duties.  
2/6/24  
CLERK/DEPUTY CLERK BY

CASE NO. GV23001321-00  
SREIT BROAD VISTA TERRACE LLC, successor of  
Broad Vista VA Partners LLC

d/b/a Acadia Apartments  
PLAINTIFF(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL),  
c/o Offit Kurman, P.C.  
8000 Towers-Crescent Dr., Suite 1400  
Vienna, VA 22182

ANDREW AQUILA AND ALL OCCUPANTS

DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)  
19800-CORNERSTONE SQUARE # 304  
Ashburn, VA 20147

CAME TO HAND

MAY - 8 2023

DATE AND TIME

Michael L. Chapman, Sheriff, SHERIFF  
Loudoun County, VA

EXECUTED by taking into possession the within-  
named premises and delivering possession of it to the  
plaintiff(s).

MAY 25 2023 2 16 20 PM

Michael L. Chapman, Sheriff  
Loudoun County, VA, SHERIFF

by

*[Signature]*

AQUILA/ALL OCCUPANTS  
(EXECUTION)

23016619

2636

LOCKED  
EXECUTED

RECEIVED MAY 08 23 05 58



Posted x2 OS1000 @ 1354

Sheriff Michael L. Chapman

# LOUDOUN COUNTY SHERIFF'S OFFICE

P.O. Box 7200, Leesburg, Virginia 20177-7200  
803 Sycolin Road SE, Leesburg, Virginia 20175  
Telephone 703-777-0407

**CASE NO.: GV23001321-00**

## NOTICE TO VACATE

**SREIT BROAD VISTA TERRACE LLC  
SUCCESSOR BROAD VISTA VA PARTNERS LLC  
DBA ACADIA APARTMENTS**

v

**ANDREW AQUILA  
AND ALL OCCUPANTS  
1980 CORNERSTONE SQUARE  
#304  
ASHBURN, VA 20147**

10  
0201

LOUDOUN COUNTY GENERAL DISTRICT COURT  
I, the undersigned clerk or deputy clerk of the court, on this date that the document to which this authority is affixed is a true copy of a record in the above named court, made in performance of my official duties.

Date 2/6/24  
CLERK/DEPUTY CLERK BY [Signature]

**TAKE NOTICE** that pursuant to Section § 8.01-470 of the Code of Virginia, 1950, as amended, you and your authorized occupants, guests or invitees, and any trespassers must vacate the premises as ordered by the court at the time listed below.

**Eviction proceedings have been scheduled to take place at the location indicated above.**

On the 25<sup>th</sup> of MAY, 2023 at 10 A.M./P.M.

Pursuant to § 8.01-156 of the Va. State Code, the contents of the premises will be removed to the nearest public way, whether the tenant is present or not.

**We suggest that you or your agent be present to protect and claim your property.**

Deputy for Michael L. Chapman, Sheriff

[Signature]

ANDREW AQUILA

AND ALL OCCUPANTS, AQUILA

23016620

2636



23016621

2636



# **APPENDIX IV**

# WEINSTEIN\_AFFIDAVIT\_000001

**VIRGINIA:**

In the District Court for the Eastern District of Virginia

Andrew A. Aquila,

Plaintiff,

v.

Case No.: 1:22-cv-1421

SREIT Broad Vista Terrace, L.L.C., et al.,

Defendant.

**Certificate of Authenticity of an Agency Record per § 8.01-390(A) and Attestation**

According to § 8.01-390(A) of the *Code of Virginia*, copies of records of an agency of the Commonwealth of Virginia (other than those located in a clerk's office of a court) shall be received as *prima facie* evidence provided that such copies are authenticated to be true copies either by the custodian thereof or by the person to whom the custodian reports, if they are different. *Id.*

I, Todd Weinstein, am the custodian of the attached record for the Virginia Department of Housing and Community Development. I affirm and authenticate that the copy of the record provided and statements made by the Department of Housing and Community Development are true and accurate to the best of my knowledge.

In accordance with § 8.01-4.3 of the *Code of Virginia*, I certify under penalty of perjury that the foregoing is true and correct.



Todd Weinstein

Virginia Department of Housing and Community Development

November 1, 2023



# WEINSTEIN\_AFFIDAVIT\_000002

1. Mr. Andrew Aquila submitted his RRP application on May 11, 2022. According to the Gov2Go (the platform operated by VI) notice he received on May 11, 2022, this application was assigned No. 2286702-2. *See* DHCD\_000167. This application was accepted by DHCD on June 17, 2022. *Id.* Applications that originated prior to May 15 were categorized as pending applications. Additional supporting documentation was accepted after May 15, 2022, for pending applications.
2. Per messaging in the Gov2Go portal, additional documentation was requested from SREIT.
3. Per information posted to DHCD's RRP FAQs, a complete RRP application is one that includes an application from both the tenant and landlord with all the appropriate supporting documentation. Specifically, a landlord must submit an online application via Gov2Go with a lease, ledger, and W9 as supporting documentation. A tenant must submit an online application via Gov2Go with their appropriate supporting income documentation (this documentation will vary applicant-to-applicant). Both applications will then be cased together for review and approval. However, if any part of the required components is incomplete, incorrect, or missing, the application is not deemed complete. It will be returned to the applicant with guidance to make corrections. An application cannot be cased and reviewed until these corrections are made.
4. The Rent Relief Program Online Application Landlord User Guide (December 2021) detailed the following steps:
  - a. Create Gov2Go Account

# WEINSTEIN\_AFFIDAVIT\_000003

- b. Enroll in Rent Relief
- c. Complete Landlord/Property Owner Profile
- d. Create New Landlord Application with tenant information, including his application number.
- e. Upload Required Documentation
- f. Submit Landlord Application
- g. Setup Banking Information
- h. Check Application Status

See <https://dhcd.virginia.gov/sites/default/files/Docx/landlord-tenant/landlord-user-guide-rent-relief-application-17DEC2021.pdf>

- 5. At the end of 2021, DHCD hired VI as the new contractor for the RRP program to take over for Deval. RRP sent out notices to pending applicants regarding the transition from Deval to Virginia Interactive. A series of communications went out about this transition – see attachment example for reference.
- 6. As noted in ¶ 1 and ¶¶ 12-31, applications originated prior to May 15, 2022 were categorized as pending applications. The URL utilized by applicants – tenants and landlords alike – was <https://web.getgov2go.com/signin>.
- 7. Tenant Applications submitted by the tenant online cannot be accessed by landlords and property owners.

# WEINSTEIN\_AFFIDAVIT\_000004

8. As per Virginia HB 7001, 16.a. *That upon enactment of this act and through June 30, 2022, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for nonpayment of rent, if the eligible tenant has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic, except as follows:*
  
9. After May 15, 2022, DHCD continued to accept additional information related to tenant and landlord applications because, as stated in ¶ 1 and ¶¶ 12-31, those applications originated prior to this date and, therefore, were categorized as pending applications.
  
10. Funds were exhausted on October 14, 2022. All available funds had been initially allocated. Subsequent re-allocations have been made in accordance with additional guidance from the Treasury. Any remaining funds were disbursed based on such guidance.
  
11. After May 15, 2022, Gov2Go activity logs show that SREIT submitted RRP supporting documentation using <https://web.getgov2go.com/signin>.

## WEINSTEIN\_AFFIDAVIT\_000005

12. On May 23, 2022, Defendant submitted on behalf of its tenant Daniel Laurin<sup>1</sup> an RRP Landlord Application with DHCD Case No. 136477. Defendant supported its Landlord Application with a Resident Ledger and a W-9 Form. Daniel Laurin, at the time of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000033 to DHCD\_000034.
13. On June 22, 2022, Defendant submitted on behalf of its tenant Kathleen Anderson<sup>2</sup> an RRP Landlord Application with DHCD Case No. 161314. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Kathleen Anderson, at the time of the submission, was not on a month-to-month lease agreement with Defendant. Her application was approved and payment of rent, utilities, and other fees were made to Defendant for the months of March 2022, April 2022, May 2022, and June 2022. *See* DHCD\_000035 to DHCD\_000036.
14. On September 20, 2022, Defendant submitted on behalf of its tenant Cathy Jackson<sup>3</sup> an RRP Landlord Application with DHCD Case No. 165597. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Cathy Jackson, at the time of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000037 to DHCD\_000038.

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<sup>1</sup> This tenant identifies himself as "White" at DHCD\_000021 to DHCD\_000022.

<sup>2</sup> This tenant identifies herself as "White" at DHCD\_000001 to DHCD\_000002.

<sup>3</sup> This tenant identifies herself as "White" at DHCD\_000014 to DHCD\_000015.

## WEINSTEIN\_AFFIDAVIT\_000006

15. On June 1, 2022, Defendant submitted on behalf of its tenant Eric Gordon an RRP Landlord Application with DHCD Case No. 165653. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Eric Gordon, at the time of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000039 to DHCD\_000040.
16. On June 29, 2022, Defendant submitted on behalf of its tenant Terri Carter an RRP Landlord Application with DHCD Case No. 166488. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Terri Carter, at the time of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000041 to DHCD\_000042.
17. On September 2, 2022, Defendant submitted on behalf of its tenant Kirstin Smith<sup>4</sup> an RRP Landlord Application with DHCD Case No. 166494. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Kirstin Smith, at the time of the submission, was on a month-to-month lease agreement with Defendant. *See* DHCD\_000043 to DHCD\_000044.
18. On August 4, 2022, Defendant submitted on behalf of its tenant Michael Pinc<sup>5</sup> an RRP Landlord Application with DHCD Case No. 166513. Defendant supported its Landlord

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<sup>4</sup> This tenant identifies herself as "Multi-racial" at DHCD\_000027 to DHCD\_000028.

<sup>5</sup> This tenant identifies himself as "Prefer not to answer" at DHCD\_000025 to DHCD\_000026.

## WEINSTEIN\_AFFIDAVIT\_000007

Application with a Resident Ledger and a Virginia W-9 Form. Michael Pinc, at the time of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000045 to DHCD\_000046.

19. On July 15, 2022, Defendant submitted on behalf of its tenant Oscar Colocho an RRP Landlord Application with DHCD Case No. 166697. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Oscar Colocho, at the time of the submission, was on a month-to-month lease agreement with Defendant. *See* DHCD\_000047 to DHCD\_000048.

20. On July 29, 2022, Defendant submitted on behalf of its tenant Kayla Howell<sup>6</sup> an RRP Landlord Application with DHCD Case No. 166739. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Kayla Howell, at the time of the submission, was not on a month-to-month lease agreement with Defendant. Her application was approved and rent, utilities, and other fees were paid for the months of December 2021, January 2022, February 2022, March 2022, and November 2022. *See* DHCD\_000049 to DHCD\_000050.

21. On August 4, 2022, Defendant submitted on behalf of its tenant Greysen Brooks an RRP Landlord Application with DHCD Case No. 166757. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Greysen Brooks, at the time

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<sup>6</sup> This tenant identifies herself as "African American" at DHCD\_000011 to DHCD\_000013.

## WEINSTEIN\_AFFIDAVIT\_000008

of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000051 to DHCD\_000052.

22. On June 29, 2022, Defendant submitted on behalf of its tenant Elise Kent<sup>7</sup> an RRP Landlord Application with DHCD Case No. 166765. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Elise Kent, at the time of the submission, was not on a month-to-month lease agreement with Defendant. Her application was approved and rent, utilities, and other fees were paid for the months of April 2022, May 2022, June 2022, July 2022, and August 2022. *See* DHCD\_000053 to DHCD\_000054.

23. On August 1, 2022, Defendant submitted on behalf of its tenant Wayne Hawkins<sup>8</sup> an RRP Landlord Application with DHCD Case No. 166772. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Wayne Hawkins, at the time of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000055 to DHCD\_000056.

24. On June 29, 2022, Defendant submitted on behalf of its tenant Caleb Varas<sup>9</sup> an RRP Landlord Application with DHCD Case No. 168917. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Caleb Varas, at the time of

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<sup>7</sup> This tenant identifies herself as "White" at DHCD\_000016 to DHCD\_000018.

<sup>8</sup> This tenant identifies himself as "White" at DHCD\_000009 to DHCD\_000010.

<sup>9</sup> This tenant identifies himself as "White" at DHCD\_000031 to DHCD\_000032.

## WEINSTEIN\_AFFIDAVIT\_000009

the submission, was on a month-to-month lease agreement with Defendant. *See* DHCD\_000057 to DHCD\_000058.

25. On June 29, 2022, Defendant submitted on behalf of its tenant Dennis Bioh<sup>10</sup> an RRP Landlord Application with DHCD Case No. 171378. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Dennis Bioh, at the time of the submission, was not on a month-to-month lease agreement with Defendant. His application was approved and rent, utilities, and other fees were paid for the months of April 2022, May 2022, June 2022, July 2022, August 2022, and September 2022. *See* DHCD\_000059 to DHCD\_000060.

26. On August 29, 2022, Defendant submitted on behalf of its tenant Sharon Kiswan<sup>11</sup> an RRP Landlord Application with DHCD Case No. 177894. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Sharon Kiswani, at the time of the submission, was not on a month-to-month lease agreement with Defendant. *See* DHCD\_000061 to DHCD\_000062.

27. On June 29, 2022, Defendant submitted on behalf of its tenant Jasmin Haggins<sup>12</sup> an RRP Landlord Application with DHCD Case No. 201278. Defendant supported its Landlord

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<sup>10</sup> This tenant identifies himself as "African American" at DHCD\_000003 to DHCD\_000004.

<sup>11</sup> This tenant identifies herself as "White" at DHCD\_000019 to DHCD\_000020.

<sup>12</sup> This tenant identifies himself as "African American" at DHCD\_000007 to DHCD\_000008.



## WEINSTEIN\_AFFIDAVIT\_000010

Application with a Resident Ledger and a Virginia W-9 Form. Jasmin Haggins, at the time of the submission, was not on a month-to-month lease agreement with Defendant. Her application was approved and rent, utilities, and other fees were paid for the months of February 2022, March 2022, April 2022, May 2022, and June 2022. *See* DHCD\_000063 to DHCD\_000064.

28. On July 1, 2022, Defendant submitted on behalf of its tenant Noel Torres<sup>13</sup> an RRP Landlord Application with DHCD Case No. 212923. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Noel Torres, at the time of the submission, was on a month-to-month lease agreement with Defendant. His application was approved and rent, utilities, and other fees were paid for the months of December 2021, January 2022, February 2022, March 2022, April 2022, May 2022, June 2022, July 2022, August 2022. *See* DHCD\_000065 to DHCD\_000066.

29. On May 23, 2022, Defendant submitted on behalf of its tenant Ronnie Bredell<sup>14</sup> an RRP Landlord Application with DHCD Case No. 239796. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Ronnie Bredell, at the time of the submission, was not on a month-to-month lease agreement with Defendant. His application was approved and rent, utilities, and other fees were paid for the months of

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<sup>13</sup> This tenant identifies himself as "Multi-racial" at DHCD\_000029 to DHCD\_000030.

<sup>14</sup> This tenant identifies himself as "African American" at DHCD\_000005 to DHCD\_000006.

# WEINSTEIN\_AFFIDAVIT\_000011

April 2022, May 2022, June 2022, July 2022, and August 2022. *See* DHCD\_000067 to DHCD\_000068.

30. On August 1, 2022, Defendant submitted on behalf of its tenant Mariana Paris-Maldonado<sup>15</sup> an RRP Landlord Application with DHCD Case No. 248119. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Mariana Paris-Maldonado, at the time of the submission, was not on a month-to-month lease agreement with Defendant. Her application was approved and rent, utilities, and other fees were paid for the month of August 2022. *See* DHCD\_000069 to DHCD\_000070 and DHCD\_000071 to DHCD\_000072.

31. On May 18, 2022, Defendant submitted on behalf of its tenant Brandon Fuller an RRP Landlord Application with DHCD Confirmation No. 195588. Defendant supported its Landlord Application with a Resident Ledger and a Virginia W-9 Form. Brandon Fuller, at the time of the submission, was on a month-to-month lease agreement with Defendant. *See* DHCD\_000089 to DHCD\_000090.

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<sup>15</sup> This tenant identifies herself as "Prefer not answer" at DHCD\_000023 to DHCD\_000024.

# WEINSTEIN\_AFFIDAVIT\_000012

<b>1.</b>	<b>Deval landing page</b>
<p><b>Important news about the Virginia Rent Relief Program (RRP) that affects all residential landlords and tenants in Virginia:</b></p> <p>Virginia is proud to be a nationwide leader in the distribution of rent relief funding. The Commonwealth continues to streamline and update their Rent Relief Program (RRP) to quickly and easily assist as many Virginian tenants and landlords as possible.</p> <p><b>Effective Dec. 1, 2021, the Virginia Department of Housing and Community Development (DHCD) will begin administering the RRP program via the new Gov2Go application, providing a single point of access for both landlords and tenants. Gov2Go is a secure and user-friendly portal that will allow you to access RRP on virtually any web-enabled device.</b></p> <p>Please visit the Virginia Department of Housing and Community Development's (DHCD) website for <i>important information about recent updates to the Rent Relief Program</i>:</p> <p><a href="https://www.dhcd.virginia.gov/rrp">https://www.dhcd.virginia.gov/rrp</a></p>	

<b>2.</b>	<b>Phone script/voicemail language for the Deval phone lines</b>
<p><b>Virginia Deval RRP Support Center IVR Breakdown (12/1/2021 – 12/31/2021)</b> <b>(703) 962 - 1884</b></p> <p>(See Excel document titled <i>IVR Foundation</i> for full IVR script breakdowns)</p> <p>Thank you for calling the Virginia Rent Relief Support Center Press 1 For English Para Española prensa numero 2</p> <p>Press 1 if you are calling about an existing application, or if you have received assistance in the past and are returning for additional assistance. Press 3 if you are calling about an application you have already started. Press 4 if you are beginning a new application (This should forward to VI call center)</p>	

<b>3.</b>	<b>Email template language for autoreplies to emails</b> <b>(e.g. <a href="mailto:rrp@deval.us">rrp@deval.us</a>, <a href="mailto:rrpoutreach@deval.us">rrpoutreach@deval.us</a>, etc.)</b>
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# WEINSTEIN\_AFFIDAVIT\_000013

Dear Applicant,

**Effective Dec. 1, 2021, the Virginia Department of Housing and Community Development (DHCD) will begin administering the RRP program via the new Gov2Go application, providing a single point of access for both landlords and tenants. Gov2Go is a secure and user-friendly portal that will allow you to access RRP on virtually any web-enabled device. Virginia tenants and landlords stakeholders now have the ability to apply for rent relief – and confirm their eligibility – quickly and easily. The new platform will improve communications for both landlords and tenants on applications initiated by each party, as well as streamline and expedite the processing of rent relief applications.**

Please visit the Virginia Department of Housing and Community Development's (DHCD) website for *important information about recent upgrades to the Rent Relief Program*:

<https://www.dhcd.virginia.gov/rrp>

Thank you very much,

Rent Relief Program Team

[rrp@dhcd.virginia.gov](mailto:rrp@dhcd.virginia.gov)

Virginia Department of Housing and Community Development

4.	<b>Email template language for proactive email to all tenant and landlord emails in the Deval system</b>
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**To Landlords**

*Re: Important Update: Virginia Rent Relief Program*

Dear Virginia Landlord,

We have some important news to share about the Virginia Rent Relief Program (RRP) that affects all residential landlords and tenants in the Commonwealth. Virginia is proud to be a nationwide leader in the distribution of rent relief funding, and we are continuing to streamline and update the Rent Relief Program (RRP) to quickly and easily assist as many eligible tenants and landlords as possible.

**Effective December 1, 2021, the Virginia Department of Housing and Community Development (DHCD) will begin administering the program for both landlords and tenants. DHCD is working with Virginia Interactive, a digital service provider who will offer an updated, secure and user-friendly portal known as Gov2Go.**

Gov2Go will allow you to access RRP on virtually any web-enabled device. Tenants and landlords now have the ability to apply for rent relief – and confirm their eligibility – quickly and easily. The new platform will improve communications for both landlords and tenants on applications initiated by each party, as well as streamline and expedite the processing of rent relief applications.

# WEINSTEIN\_AFFIDAVIT\_000014

Please visit the Virginia Department of Housing and Community Development's (DHCD) website right away for *important information about recent upgrades to the Rent Relief Program*:

<https://www.dhcd.virginia.gov/rrp>

Thank you very much,

Rent Relief Program Team

[rrp@dhcd.virginia.gov](mailto:rrp@dhcd.virginia.gov)

Virginia Department of Housing and Community Development

[REDACTED]

*Re: Important Update: Virginia Rent Relief Program*

Dear Virginia Rent Relief User,

We have some important news to share about the Virginia Rent Relief Program (RRP) that affects all tenants and residential landlords in the Commonwealth. Virginia is proud to be a nationwide leader in the distribution of rent relief funding, and we are continuing to streamline and update the Rent Relief Program (RRP) to quickly and easily assist as many eligible tenants and landlords as possible.

**Effective December 1, 2021, the Virginia Department of Housing and Community Development (DHCD) will begin administering the program for both landlords and tenants. DHCD is working with Virginia Interactive, a digital service provider who will offer an updated, secure and user-friendly portal known as Gov2Go.**

Gov2Go will allow you to access RRP on virtually any web-enabled device. Tenants and landlords now have the ability to apply for rent relief – and confirm their eligibility – quickly and easily. The new platform will improve communications for both landlords and tenants on applications initiated by each party, as well as streamline and expedite the processing of rent relief applications.

Please visit the Virginia Department of Housing and Community Development's (DHCD) website right away for *important information about recent upgrades to the Rent Relief Program*:

<https://www.dhcd.virginia.gov/rrp>

Thank you very much,

Rent Relief Program Team

[rrp@dhcd.virginia.gov](mailto:rrp@dhcd.virginia.gov)

Virginia Department of Housing and Community Development

# WEINSTEIN\_AFFIDAVIT\_000015

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## 5. RRP Application Ineligible Message

Dear RRP applicant,

Your rent relief (RRP) application was not approved at this time. We regret to inform you of this decision, and we understand that this is a very difficult time for you and many other Virginians.

Below are options available to you:

- You may appeal your decision – please log in to Gov2Go for further instructions and to begin the appeal process.
- The Commonwealth of Virginia provides services, assistance, and information 24 hours a day, 7 days a week, and is here to help you right now.
  - Dial 211 or visit <https://211virginia.org/> to get connected with resources

## 6. Baseline message – directing query traffic to DHCD webpage

Virginia is proud to be a nationwide leader in the distribution of rent relief funding. The Commonwealth continues to streamline and update their Rent Relief Program (RRP) to quickly and easily assist as many eligible tenants and landlords as possible.

**Effective Dec. 1, 2021, the Virginia Department of Housing and Community Development (DHCD) will begin administering the RRP program via the new Gov2Go application, providing a single point of access for both landlords and tenants. Gov2Go is a secure and user-friendly portal that will allow you to access RRP on virtually any web-enabled device.**

Please visit the Virginia Department of Housing and Community Development's (DHCD) website for *important information about the Rent Relief Program*:

<https://www.dhcd.virginia.gov/rrp>

**CERTIFICATE OF SERVICE**

I, Andrew A. Aquila, hereby certify that, on February 12, 2024, I served the foregoing Emergency Application for Stay Pending the Filing of Petition For Certiorari and Appendix on counsel for SREIT Broad Vista Terrace, L.L.C. using First Class Mail:

Alfredo Acin, Esquire

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