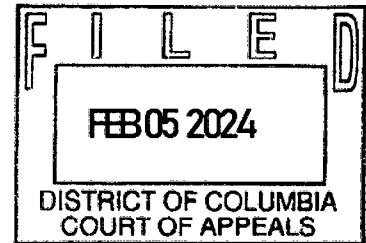


**DISTRICT OF COLUMBIA COURT OF APPEALS**

No. 22-PR-0588

MUNA MALVIN WHITFIELD, APPELLANT,

v.



FREDERICKA F. WHITFIELD, *et al.*, APPELLEES.

Appeal from the Superior Court of the  
District of Columbia  
(2021-LIT-000037)

(Hon. Maurice A. Ross, Trial Judge)

(Submitted November 30, 2023)

Decided February 5, 2024)

Before McLEESE, DEAHL, and SHANKER, *Associate Judges*.

**MEMORANDUM OPINION AND JUDGMENT**

PER CURIAM: Appellant Muna Malvin Whitfield, proceeding pro se, sued appellees Fredericka F. Whitfield, Nola Whitfield, Nyna Whitfield, and Lonnie Whitfield in the Superior Court's Probate Division, asserting multiple claims relating to the disposition of the property of Ms. Whitfield's late father, Malvin Greston Whitfield. The trial court dismissed the complaint with prejudice on multiple grounds: lack of subject-matter jurisdiction, lack of personal jurisdiction over the defendants, failure to state a claim, failure to join necessary parties, and failure to adhere to the applicable statutes of limitations.

We disagree with the trial court that it lacked subject-matter jurisdiction over Ms. Whitfield's action but conclude that the complaint was properly dismissed as time-barred under the applicable statutes of limitations. We therefore affirm.

## I. Background

### A.

The complaint, filed in August 2021, alleges as follows. Ms. Whitfield,<sup>1</sup> a New York resident, is the youngest biological daughter of Malvin, who was a former Tuskegee airman, Olympic track and field medalist, and Global Sports Ambassador for five United States presidents. Fredericka, Nyna, and Lonnie are children of Malvin, and Nola is Ms. Whitfield's stepmother. Malvin's health began to deteriorate around 2008, and he died in November 2015.

According to the complaint, by the time Malvin died, "his estate was already shredded." Specifically, Fredericka "led a cabal that took advantage of [Malvin's] failing health and mental acuity in his later years to isolate him from other family members," including Ms. Whitfield, and "divert his hard-earned wealth away from his goal of continuing to build a legacy with a foundation that promotes sports globally and develops leadership in youth." The defendants allegedly schemed to have Malvin create a will leaving his assets to the defendants rather than to all of Malvin's family.

The complaint alleges that when Malvin died in 2015 he did not leave a valid will but that a document "purport[ing]" to be a will had been recorded in the District of Columbia, where Malvin lived, in 2009. The 2009 document "made no provision for" Ms. Whitfield or Malvin's foundation. The failure to provide for Ms. Whitfield contravened wishes Malvin had expressed in letters and resulted from conduct by the defendants, including isolating Malvin from Ms. Whitfield, taking "control of all aspects of [Malvin's] life," failing to inform Ms. Whitfield of Malvin's illness, and arranging a "sham" renewal of vows between Malvin and Nola because they had been divorced for many years.

The complaint further alleges that Ms. Whitfield learned of Malvin's death in 2015 and that she attended his funeral in 2016 but was "excluded from many aspects" of it. The complaint adds that, on the day after Malvin's funeral, Fredericka told Ms. Whitfield that Fredericka had no duty to inform Ms. Whitfield of Malvin's death and suggested that "Fredericka was in charge" and Ms. Whitfield should "move on."

---

<sup>1</sup> We refer to appellant Muna Malvin Whitfield as "Ms. Whitfield" and to others with the surname Whitfield by their first names.

Ms. Whitfield's suit seeks to "set aside" and "not admit[ ] to probate" the "purported" 2009 will, remove Fredericka as executrix, direct Fredericka to provide an accounting of the estate, appoint new trustees for Malvin's foundation, and equitably distribute Malvin's estate among all family members. To that end, the complaint asserts the following causes of action: breach of fiduciary duty, conversion, unjust enrichment, fraud in the inducement, accounting and restitution, and intentional and negligent infliction of emotional distress; and it seeks injunctive relief and to quiet title. The complaint also has a separate section with the heading "Will Contest," in which Ms. Whitfield asserts that "the Purported Will [should be] found invalid, set aside and not admitted to probate."

## B.

The trial court granted the defendants' motion to dismiss the complaint. The court's order contained no discussion but granted dismissal with prejudice for lack of subject-matter jurisdiction, lack of personal jurisdiction over the defendants, failure to state a claim, failure to join necessary parties, and failure to adhere to the applicable statutes of limitations.

Ms. Whitfield moved for reconsideration. The trial court considered the motion under Super. Ct. Civ. R. 59(e) but denied reconsideration. In doing so, it explained the bases for its dismissal of the complaint.

The court stated that it lacked subject-matter jurisdiction because a person "may file a verified complaint to contest the validity of a will within 6 months following notice by publication of the appointment or reappointment of a personal representative," D.C. Code § 20-305; but a "will is ineffective to transfer property or to nominate a personal representative unless it is admitted to probate or recorded," *id.* § 20-302(a); and here, Malvin's will was never admitted to probate, an estate was never opened, no personal representative had been appointed, and no notice had been issued. Accordingly, Ms. Whitfield's claims relating to the will were premature and the Superior Court lacked authority to adjudicate the controversy.

In addition to its subject-matter jurisdiction ruling, the court concluded that (1) it lacked personal jurisdiction over the defendants because the defendants neither were domiciled in the District of Columbia nor possessed sufficient contacts with the District to satisfy its long-arm statute; (2) Ms. Whitfield failed to join to the suit the personal representative of the estate (because no personal representative had been appointed), and the personal representative is a necessary party under Super. Ct. Civ. R. 19; (3) Ms. Whitfield had failed to allege facts sufficient to state claims

for breach of fiduciary duty, conversion, unjust enrichment, fraud in the inducement, accounting and restitution, intentional and negligent infliction of emotional distress, and quiet title and injunctive relief; and (4) the limitations period for all of Ms. Whitfield's claims was three years, *see D.C. Code §§ 12-301(2), -301(8)*, but Ms. Whitfield was aware "well before" 2019 of potential claims arising from the defendants' conduct.

This appeal followed.

## II. Analysis

Ms. Whitfield's complaint contests a "purported will" and seeks to have that purported will deemed invalid, but it appears to acknowledge—and indeed rest on—the fact that the will has not been admitted to probate. The complaint more broadly asserts civil causes of action related to the defendants' alleged disposition of Malvin's property in the absence of a valid, probated will and the resulting harm to Ms. Whitfield. Construing the pro se complaint liberally, *see Price v. Washington Metro. Area Transit Auth.*, 41 A.3d 526, 533 (D.C. 2012), we do not see it as an attempt to contest the validity of a will under Title 20 of the D.C. Code, and we therefore disagree with the trial court that the fact that the will had not been admitted to probate meant that the court lacked subject-matter jurisdiction over the complaint.

The trial court also, however, concluded that the complaint was time-barred under the applicable statutes of limitations, and we agree with that alternative ruling.<sup>2</sup> We accordingly affirm the dismissal of the complaint with prejudice.

---

<sup>2</sup> Having determined that it lacked subject-matter jurisdiction, the trial court should not have reached other grounds for dismissal of the complaint because "a court which lacks subject matter jurisdiction may not issue a ruling on the merits." *UMC Dev., LLC v. District of Columbia*, 120 A.3d 37, 48-49 (D.C. 2015). Because, however, we conclude that the trial court did possess subject-matter jurisdiction, the timeliness of the complaint is a legal question, and we have the benefit of the trial court's reasoning on that question, we can affirm on the trial court's alternative basis. *Cf. Floyd v. Bank of Am.*, 70 A.3d 246, 249 & n.2 (D.C. 2013) (affirming trial court's dismissal of complaint on the alternative ground that plaintiffs failed to state a legally cognizable claim, even though the trial court dismissed for lack of standing and never reached that issue).

## A.

“As a motion to dismiss a complaint ‘presents questions of law, our standard of review . . . is de novo.’” *Scott v. FedChoice Fed. Credit Union*, 274 A.3d 318, 322 (D.C. 2022) (omission in original) (quoting *Johnson-El v. District of Columbia*, 579 A.2d 163, 166 (D.C. 1990)). Whether the trial court has subject-matter jurisdiction is also a question of law we review de novo, *RFB Properties, LLC v. Fed. Nat'l Mortg. Ass'n*, 284 A.3d 381, 385 (D.C. 2022), as is expiration of the statute of limitations, *Govan v. SunTrust Bank*, 289 A.3d 681, 688 (D.C. 2023).

## B.

“[T]he opening of an estate . . . begins with the filing of a petition for probate by an interested person as provided in section 20-304 and results in the probate of a will or the determination of a decedent’s intestacy and the appointment of a personal representative.” D.C. Code § 20-301. “[A]ny person may file a verified complaint to contest the validity of a will within 6 months following notice by publication of the appointment or reappointment of a personal representative . . .” D.C. Code § 20-305.

In dismissing the complaint for lack of subject-matter jurisdiction, the trial court concluded that Ms. Whitfield was contesting the validity of a will and that her attempt to do so before an estate was opened and a personal representative was appointed meant that the court lacked authority to adjudicate the claim. To be sure, much of Ms. Whitfield’s complaint expressly or effectively contests a will or alleges breaches of duties arising under probate law. Ms. Whitfield, however, appears to acknowledge that the will has not been admitted to probate, asserting that the “purported will” should be “found invalid, set aside and not admitted to probate.” The gravamen of the complaint, under a generous construction, appears to be that the defendants disposed of Malvin’s property in a manner that violated Ms. Whitfield’s rights and harmed Ms. Whitfield, and that any claim that a “purported will” allowed them to do so should fail because the will was not executed in accordance with D.C. law. Ms. Whitfield does not appear to be affirmatively contesting the validity of a probated will. Viewed in this way, the trial court had subject-matter jurisdiction over the action.<sup>3</sup>

---

<sup>3</sup> It may be that a transfer from the Probate Division to the Civil Division was warranted, but we do not see the necessity of such a transfer as implicating the Superior Court’s jurisdiction over the case.

## C.

As the trial court ruled in the alternative, however, Ms. Whitfield’s claims were all time-barred.

The defendants invoked the statute of limitations as an affirmative defense and thus bore “the burden of showing that [the] claim[s] [we]re time-barred.” *Logan v. LaSalle Bank Nat'l Ass'n*, 80 A.3d 1014, 1019-20 (D.C. 2013). Whether the limitations period for a claim has expired presents a question of law. *Boyd v. Kilpatrick Townsend & Stockton*, 164 A.3d 72, 78 (D.C. 2017). “At the Rule 12(b)(6) stage, a court should not dismiss on statute of limitations grounds unless the claim is time-barred on the face of the complaint.” *Logan*, 80 A.3d at 1020.

Ms. Whitfield’s claims all carry three-year limitations periods. *See* D.C. Code § 12-301(a)(8) (providing the general limitations period for offenses “not otherwise specifically prescribed”); *see also Drake v. McNair*, 993 A.2d 607, 614, 617 (D.C. 2010) (discussing the three-year limitations period in a case that, like this one, involved fraud in the inducement, fraudulent conversion, and breach of fiduciary duty); *Saunders v. Nemati*, 580 A.2d 660, 665 (D.C. 1990) (intentional infliction of emotional distress). A limitations period “begins to run when a plaintiff has either actual or inquiry notice of (1) the existence of the alleged injury, (2) its cause in fact, and (3) some evidence of wrongdoing.” *Drake*, 993 A.2d at 617. But this discovery rule does not give plaintiffs “*carte blanche* to defer legal action indefinitely.” *Ideal Elec. Sec. Co., Inc. v. Brown*, 817 A.2d 806, 809 (D.C. 2003) (internal quotation omitted). “[I]f she knows or should know that she may have suffered injury and that the defendant may have caused her harm,” the limitations period will commence. *Id.* (internal quotation omitted). “[A]ny appreciable and actual harm flowing from the defendant’s conduct is sufficient.” *Id.* (internal quotation omitted).

Although Ms. Whitfield has asserted a number of different causes of action, at bottom, each derives from the defendants’ alleged misuse of Malvin’s estate, which deprived Ms. Whitfield of her inheritance and contravened Malvin’s wishes. Looking exclusively at Ms. Whitfield’s complaint, we conclude that the limitations periods for her claims expired before she sued. Ms. Whitfield alleges that she learned of her father’s death in December 2015. She further alleges that she learned on the day after the funeral in June 2016 that Fredericka had asserted control over Malvin’s estate and believed she had no obligation to Ms. Whitfield. That interaction with Fredericka also constitutes the basis for the emotional distress claims. Also in 2016, Ms. Whitfield believed she was entitled to some inheritance, including commemorative medals, and she alleges that the defendants ignored her

inquiries about her father's estate. Taking her allegations as true, Ms. Whitfield knew or should have known well before August 2018—three years before she sued—that the defendants would not be distributing to her what she believed was her rightful inheritance in accordance with her father's wishes.

Ms. Whitfield argues that dismissal was improper because she alleged in her complaint that she did not learn about the underlying wrongdoing until mid-2019. But, even if Ms. Whitfield did not know precisely how the defendants were allegedly exploiting Malvin's estate, the extent of their alleged wrongdoing, or the causes of action available to her, she needed only “some knowledge of some injury caused” by the defendants for the limitations periods to run. *Burtoff v. Faris*, 935 A.2d 1086, 1088-89 (D.C. 2007) (dismissing a claim as time-barred because plaintiff's knowledge of the harm was “apparent simply from comparison of the complaints”). Ms. Whitfield knew her father had died, she knew Fredericka had taken control over the estate, she knew Fredericka did not believe she owed Ms. Whitfield a duty as an executrix, and she knew the defendants were ignoring her inquiries regarding the estate.

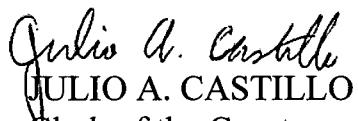
Accordingly, we conclude that Ms. Whitfield had actual or inquiry notice of her alleged harms and that the defendants had wrongfully caused those harms before August 2018. Ms. Whitfield did not “act[ ] reasonably to protect her interests.” *Drake*, 993 A.2d at 620 (internal quotation omitted). Her claims are therefore time-barred.

### III. Conclusion

For the foregoing reasons, we affirm the Superior Court's order dismissing the complaint.

*So ordered.*

ENTERED BY DIRECTION OF THE COURT:

  
JULIO A. CASTILLO  
Clerk of the Court

Copies emailed to:

Honorable Maurice A. Ross  
Director, Probate Division

Copies e-served to:

Muna Malvin Whitfield  
Richard J. Berwanger, Jr., Esquire

**Exhibit D: DC Appeal Court Denial of Petition for Rehearing and  
Rehearing En Banc**

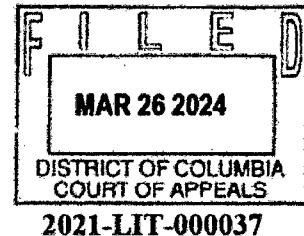
**District of Columbia  
Court of Appeals**

**No. 22-PR-0588**

**MUNA MALVIN WHITFIELD,**

**Appellant,**

**v.**



**FREDERICKA F. WHITFIELD, *et al.*,  
Appellees.**

**BEFORE:** Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly,  
McLeese,\* Deahl,\* Howard, and Shanker,\* Associate Judges.

**ORDER**

On consideration of appellant's petition for rehearing or rehearing en banc, and it appearing that no judge of this court has called for a vote on the petition for rehearing en banc, it is

ORDERED by the merits division\* that appellant's petition for rehearing is denied. It is

FURTHER ORDERED that appellant's petition for rehearing en banc is denied.

**PER CURIAM**

Copies emailed to:

Honorable Maurice A. Ross

Director, Probate Division

**Additional material  
from this filing is  
available in the  
Clerk's Office.**