Dear Honorable Judge
To the Supreme court of United States
I Angela Powell am asking the court
Case no: 23-CV-0553
Angela Powell
-vs-
Edmondson & Gallagher Property Services
For July 17, 2025
U.S. Supreme
May I please ask the court
for a (sixty) 60 day extention to
gather all documents together preparing
for this court session and its entirety
60 days extention thank you
Sincerly
Angela Powell
3539 A St SE
#303 Washington
2019

(see Attached is Appellant order from Court)

to: Leslie Paul Machado
to: Amy Heerink

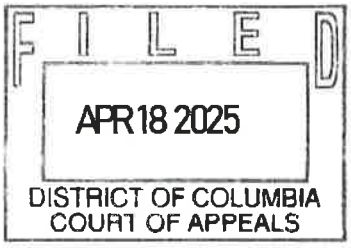
DISTRICT OF COLUMBIA COURT OF APPEALS

No. 23-CV-0553

ANGELA POWELL, APPELLANT,

V.

EDMONDSON & GALLAGHER PROPERTY SERVICES, LLC, APPELLEE.



Appeal from the Superior Court
of the District of Columbia
(2021-CA-003973-B)

(Hon. Danya A. Dayson, Motions Judge)

(Submitted April 3, 2025 Decided April 18, 2025)

Before MCLEESE, HOWARD, and SHANKER, *Associate Judges*.

MEMORANDUM OPINION AND JUDGMENT

PER CURIAM: Appellant Angela Powell, representing herself, sued appellee Edmondson & Gallagher Property Services, LLC (E&G) in Superior Court, asserting personal injury and property damage claims based on the presence of mold in her apartment in Southeast Washington, D.C. The trial court granted E&G's motion for summary judgment—to which Ms. Powell filed no opposition—on the ground that Ms. Powell, who had not submitted any expert testimony, failed to offer sufficient evidence to create a genuine dispute of material fact that the alleged mold in her apartment caused her claimed injuries.

On appeal, Ms. Powell (represented by counsel at the time of briefing) does not challenge the merits of the trial court's determination that a lack of evidence on causation supported a grant of summary judgment for E&G. Rather, she argues that the trial court failed to provide her, as a pro se plaintiff, sufficient guidance and leeway regarding both obtaining discovery and opposing summary judgment, and that this court should reverse and remand so that she can move under Super. Ct. Civ. R. 56(d) for additional time for discovery. Finding no error in the trial court's handling of the matter, we affirm.

I. Background

The following facts appear to be undisputed. In her complaint, Ms. Powell alleged that mold and mold spores were present in her apartment at 3539 A Street, SE, for seven years. She claimed that the mold caused inflammation and other injuries to her, her son, and her granddaughter. Ms. Powell sought $1.5 million in damages.

At an initial status conference, the trial court denied E&G's motion to dismiss the complaint. The court also noted that it had sent Ms. Powell a copy of the Superior Court's "Handbook for People Who Represent Themselves in Civil Cases" and that it would email her an additional copy. *See* Superior Court of the District of Columbia, Civil Division, Handbook for People Who Represent Themselves in Civil Cases, https://www.dccourts.gov/sites/default/files/divisionspdfs/Handbook-for-Self-Represented-Parties.pdf; https://perma.cc/53CX-UGLL (the "pro se handbook"). The court told Ms. Powell that it could not give her legal advice and that she was required to follow the procedural rules, but that the court would make sure she understood what was happening and give her "a certain amount of leeway with respect to the pleadings." The court also encouraged Ms. Powell to obtain legal representation but stated that if she proceeded pro se, she would need to look at the rules.

At a second hearing, the trial court told Ms. Powell that the court would issue an order telling the parties "the dates that certain things have to happen, like the dates that you have to exchange fact witness lists, the dates that you have to file your expert reports, your discovery requests, when discovery closes, when you have to file motions, all of those things." The court also confirmed that Ms. Powell had received the pro se handbook and again encouraged her to find an attorney.

During the discovery period, Ms. Powell filed a praecipe with the court, stating that she had orally asked E&G for a mold report that followed an inspection conducted on July 5, 2022, and that E&G was not providing the report. In an attachment to a subsequent motion seeking to file exhibits with the court, Ms. Powell wrote that she still had not received the mold report.

At a third hearing, the trial court told Ms. Powell that the way to obtain a document from a defendant is by serving the defendant with a discovery request; Ms. Powell acknowledged that she had not done that. The court reiterated that a motion to the court was not the way to get documents from the defendant and that Ms. Powell would have to file discovery requests. The court also reminded

Ms. Powell that, while the court recognized that she was pro se and would make sure she understood what was happening and what she needed to do, the court could not serve as her advocate and Ms. Powell would need to follow the correct procedures. The court explained that pro se litigants must follow the rules, although the court would "direct [her] to where to look for the rules" and "give [her] information about what [she] need[s] to do." The court told Ms. Powell that she "must, must, must read" the pro se handbook. The court also stated that a motion for summary judgment is a type of dispositive motion that could be filed in the case and explained what a motion for summary judgment is. Later in the hearing, the court reiterated that it could not give Ms. Powell advice about handling her case, and Ms. Powell responded, "I know where to find that [information] now. So I will move forward to take care of these things that you are mentioning." Also during the hearing, the trial court granted Ms. Powell more time to comply with certain case deadlines.

In discovery, Ms. Powell provided to E&G letters from doctors stating that the mold in her apartment was posing a significant risk to her health and could exacerbate her respiratory symptoms. Ms. Powell did not file any expert disclosures in accordance with Super. Ct. Civ. R. 26(a)(2)(B).

E&G moved for summary judgment and Ms. Powell did not file an opposition. The trial court granted the motion on the ground that Ms. Powell could not prove the causation element of her negligence claim without expert testimony and, in the absence of such testimony, she had failed to offer sufficient evidence to create a genuine dispute of material fact that the alleged mold in the unit caused her claimed injuries. According to the court, Ms. Powell "needed to provide an expert with specialized knowledge to support her claim that the mold in her unit caused herself and her family injuries," but she "did not designate any experts under D.C. Civil Rule 26." Even if the doctors whose letters Ms. Powell submitted were treated as experts, moreover, "[n]otably absent from the letters was specific causation evidence" as "[n]either letter said that the alleged mold in the Property caused [Ms. Powell's] injuries."

Ms. Powell filed a number of post-judgment motions, which the trial court denied on May 23, 2023. The court granted Ms. Powell thirty days from that date to appeal, and Ms. Powell filed a notice of appeal on June 29, 2023.[1]

II. Discussion

Ms. Powell does not argue that the trial court substantively erred in concluding that, in the absence of expert evidence on causation, summary judgment for E&G was warranted. Instead, she contends that the trial court "made two legal errors": "failing to treat Ms. Powell's multiple requests for production of the July 5, 2022 mold report as valid discovery requests" and "failing to provide Ms. Powell—who was then proceeding *pro se*—adequate notice of the procedural aspects of the summary judgment stage of litigation, including the consequences of failing to oppose a motion for summary judgment and obtain expert testimony." We disagree and affirm the grant of summary judgment.

"We review a grant of summary judgment de novo and apply the same standard used by the trial court." *Nixon v. Ippolito*, 320 A.3d 1059, 1064 (D.C. 2024). "Under this standard, 'the moving party has the burden of demonstrating that there is no genuine issue of material fact, after the evidence and all inferences from the evidence are drawn in favor of the non-moving party.'" *Id.* (quoting *Mancuso v. Chapel Valley Landscape Co.*, 318 A.3d 547, 553 (D.C. 2024)). Our role "is not to resolve factual issues as factfinder, 'but rather to review the record to determine if there is a genuine issue of material fact on which a jury could find for the non-moving party.'" *Id.* (quoting *Mancuso*, 318 A.3d at 553).

We have stated that the measures a trial court takes to provide technical assistance to a pro se litigant are "discretionary at best," *MacLeod v. Georgetown Univ. Med. Ctr.*, 736 A.2d 977, 980 (D.C. 1999), suggesting that our review on that front is for an abuse of that discretion.[2]

Ms. Powell's over-arching argument is that the trial court provided her insufficient guidance and leeway. Two cases are pertinent to this question:

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[1] To the extent Ms. Powell filed her notice of appeal beyond the thirty days granted by the trial court (plus the five days allowed under D.C. App. R. 4(a)(6)), E&G does not argue that her notice was untimely. *See Deloatch v. Sessoms-Deloatch*, 229 A.3d 486, 491 (D.C. 2020).

[2] Ms. Powell appears to agree that an abuse-of-discretion standard applies to the trial court's measures to assist a pro se litigant.

MacLeod, 736 A.2d 977, and *Padou v. District of Columbia*, 998 A.2d 286 (D.C. 2010).

The facts of *MacLeod* are quite similar to those here: the plaintiff, proceeding pro se, sued for monetary damages, and the trial court granted the defendant's motion for summary judgment. 736 A.2d at 977-78. The question on appeal was whether, "because [the plaintiff] was a *pro se* litigant, the court had the duty to apprise him of the defects in his opposition to the defendants' summary judgment motion and, in particular, of the importance of filing controverting affidavits." *Id.* at 977-78. We held that there was no such mandatory obligation. *Id.* at 978. We observed that a pro se litigant "'can expect no special treatment from the court,'" *id.* at 979 (quoting *Abell v. Wang*, 697 A.2d 796, 804 (D.C. 1997)), and "must not expect or seek concessions because of [his] inexperience and lack of trial knowledge and training and must, when acting as [his] own lawyer, be bound by and conform to the rules of court procedure . . . equally binding upon members of the bar," *id.* (quoting *Solomon v. Fairfax Vill. Condo. IV Unit Owner's Ass'n*, 621 A.2d 378, 380 n.2 (D.C. 1993)). We recognized that pro se litigants should not "be left to fend entirely for themselves," *id.*, and that "'a trial judge may, without compromising requisite judicial impartiality, provide reasonable technical assistance to a *pro se* plaintiff in presenting her case,'" *id.* at 979-80 (quoting *Tyree v. Evans,* 728 A.2d 101, 105 (D.C. 1999)). But we observed that "the line can be a delicate one for a trial court in the context of specific litigation." *Id.* at 980.

In *MacLeod*, we recognized three categories of "special circumstances involving *pro se* litigants that warrant special care by trial courts." *Id.* First, "[i]n matters involving pleadings, service of process, and timeliness of filings"—that is, cases involving "the merely technical, rather than substantive, rules of procedure"—"*pro se* litigants are not always held to the same standards as are applied to lawyers." *Id.* Second, "courts may grant leeway to *pro se* litigants" where "litigants bring suit under remedial statutes, particularly those involving civil rights." *Id.* The third category is cases involving incarcerated litigants. *Id.* We rejected an argument for a fourth category, for cases involving summary judgment against pro se litigants, at least in ordinary civil tort litigation seeking monetary damages. *Id.* at 980-82. We observed that a plaintiff, at least one who is at liberty, is literate, and has access to legal materials, could fairly be expected by the time of summary judgment to have read Rules 26 and 56, *id.* at 982, and that "interference by the court in civil litigation necessarily implicates the court's impartiality and discriminates against opposing parties who do have counsel," *id.* (internal quotation marks omitted).

Padou also involved the grant of summary judgment in the defendant's (the District's) favor. 998 A.2d at 288. "The case proceeded at a rapid pace in the trial court," *id.* at 289, and the pro se plaintiffs complained on appeal that they did not have sufficient time to conduct discovery, were "confused about the operation" of Rule 56, and did not receive sufficient notice about the deficiency in their declaration in support of their opposition to summary judgment, *id.* at 291 (internal quotation marks omitted). We acknowledged the principles set forth in *MacLeod*, *id.* at 292, but identified at least two considerations demonstrating error by the trial court: (1) "[e]ven for experienced plaintiffs' attorneys, the pace of the litigation . . . afforded little or no opportunity for discovery prior to a response to a motion . . . for summary judgment," *id.* at 293, and (2) there had been no status conference at which the trial court could have provided the plaintiffs "with the necessary knowledge to participate effectively in the trial process," *id.* at 294 (internal quotation marks omitted). Ultimately, that "the Padous were *pro se* litigants who did not have legal degrees, and they were about to confront the District's pivotal dispositive motion which would require the Padous to file a responsive pleading addressing both a motion to dismiss their amended complaint, and an alternative motion for summary judgment, all within approximately two weeks, without the benefit of discovery or a status conference" was "a 'special circumstance' requiring 'special care' under *MacLeod*." *Id.*

This case is like *MacLeod* and lacks the special circumstances present in *Padou*. The case was not rushed, with one year separating the filing of the second amended complaint and the grant of summary judgment and the court amenable to extensions of deadlines for Ms. Powell. Ms. Powell was provided a chance to request discovery. The court held several hearings during which it explained the applicable procedures to Ms. Powell. The court ensured that Ms. Powell had the pro se handbook, which explained the procedures and referenced and linked to the civil rules. The court repeatedly, and correctly, told Ms. Powell that it could not provide her legal advice or serve as her advocate, while simultaneously providing guidance to her. This case falls within none of the special-circumstance categories identified in *MacLeod* or *Padou*.

Turning to Ms. Powell's specific claims, we are not persuaded that the trial court erred by (1) not treating Ms. Powell's oral request to E&G or her references to the July 5 mold report in court filings as valid discovery requests and (2) not advising Ms. Powell about the consequences of failing to oppose E&G's summary judgment motion and failing to obtain expert testimony.

As to the July 5 mold report, we do not agree that a reasonable reading of the pro se handbook is that it permits an oral request for discovery, or that the court was required to treat Ms. Powell's references in court filings to her inability to obtain the report as valid discovery requests. The pro se handbook says that "[a] party can ask another party to allow him to review and copy documents," Pro Se Handbook at 13, but, in context and in light of the handbook's reference to the civil rules, "ask" simply means "request." The rules clearly require that discovery requests be in written papers served on the other side. *See* Super. Ct. Civ. R. 5(a)(1)(C), 5(b)(2), 26(g), 34(a). The trial court clearly informed Ms. Powell that she would have to serve E&G with a discovery request and gave her time to do that, but Ms. Powell did not serve any requests. The trial court explained the process to Ms. Powell but was not required, and arguably not permitted, to alter the applicable rules for one party. *See MacLeod*, 736 A.2d at 979.

We also find unpersuasive Ms. Powell's arguments regarding the trial court's obligations as to summary judgment and expert testimony. The pro se handbook contains information on oppositions to motions generally and specifically on summary judgment and oppositions thereto, *see* Pro Se Handbook at 11-12, 16, and it refers to Rule 56, which sets forth the procedures for opposing a motion for summary judgment, *see* Super. Ct. Civ. R. 56(b)(2)(B). In addition to repeatedly pointing Ms. Powell to the handbook, the court explained summary judgment to Ms. Powell, albeit briefly. Similarly, the pro se handbook addresses expert witnesses and refers to Rule 26. *See* Pro Se Handbook at 14. Even if the trial court could have explained more explicitly to Ms. Powell that she would need expert testimony and that failing to oppose summary judgment would be detrimental to her case, *but see MacLeod*, 736 A.2d at 983 ("To give that advice would entail the district court's becoming a player in the adversary process rather than remaining its referee." (internal quotation marks omitted)), we cannot find reversible error on this record, where the trial court was overall quite accommodating with and helpful to Ms. Powell, *see id.* at 980 ("[T]he line [between assisting a pro se litigant and compromising judicial impartiality] can be a delicate one for a trial court in the context of specific litigation. Appellant seeks to have trial court action, discretionary at best, hardened into a rule of law that would compel reversal. We think this goes too far in the circumstances here.").[3]

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[3] In *MacLeod*, as here, the plaintiff was provided with a pro se handbook. 736 A.2d at 979 n.5. In response to the argument that the handbook had shortcomings,

Because we find no reversible error by the trial court, we do not address Ms. Powell's argument about the nature of a remand order.

III. Conclusion

For the foregoing reasons, we affirm the judgment of the trial court.

So ordered.
ENTERED BY DIRECTION OF THE COURT:

Julio A. Castillo
JULIO A. CASTILLO
Clerk of the Court

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we observed that "the commendable effort by the court to give some general aid to civil litigants [could not] fairly be used to mandate trial courts to supplement the handbook in individual cases as a particular problem arises in the course of actual litigation." *Id.*

Copies emailed to:

Honorable Danya A. Dayson

Director, Civil Division
QMU

Copy e-served to:

Leslie Paul Machado, Esquire

Copy mailed to:

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Proof of Service

Certificate of Service

I Angela Powell certified that I served the dependant party on the 7 day of July 2025