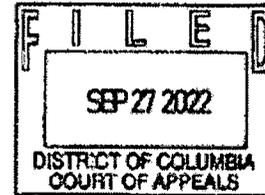


Exhibit 1 Enbanc Reconsideration
9/27/22

District of Columbia
Court of Appeals



No. 20-CV-127

LORI A. SAXON,

Appellant,

v.

CAR6610-13

AMERITAS LIFE INSURANCE
CORPORATION,

Appellee.

BEFORE: Blackburne-Rigsby, Chief Judge; Glickman,* Beckwith, Easterly,
McLeese, Deahl,* Howard, and AliKhan, Associate Judges;
Thompson,* † Senior Judge.

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

† Senior Judge Thompson was an Associate Judge of the court at the time of
argument. On October 4, 2021, she was appointed as a Senior Judge but she
continued to serve as an Associate Judge until February 17, 2022. See D.C. Code §
11-1502 & 1504(b)(3). On February 18, 2022, she began her service as a Senior
Judge. See D.C. Code § 11-1504.

No. 20-CV-127

Copies e-mailed to:

Honorable Fern Flanagan Saddler

Director, Civil Division

Copies e-served to:

S. Mohsin Reza, Esquire

Mary C. Zinsner, Esquire

Copy mailed to:

**Lori A. Saxon
937 N Street, NW
Washington, DC 20001**

kr

Exhibit 2
Opinion & Judgment 8/24/22

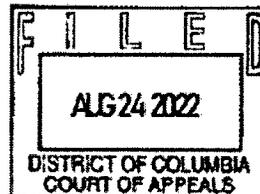
DISTRICT OF COLUMBIA COURT OF APPEALS

No. 20-CV-127

LORI A. SAXON, APPELLANT,

v.

AMERITAS LIFE INSURANCE CORPORATION, APPELLEE.



Appeal from the Superior Court
of the District of Columbia
(CAR6610-13)

(Hon. Fern Saddler, Trial Judge)

(Submitted October 21, 2021

Decided August 24, 2022)

Before GLICKMAN and DEAHL, *Associate Judges*, and THOMPSON*, *Senior Judge*.

MEMORANDUM OPINION AND JUDGMENT

PER CURIAM: Lori Saxon appeals from the trial court's order ratifying the foreclosure sale accounting submitted by Ameritas Life Insurance Corporation (Ameritas). We construe appellant's pro se appeal to contest only the accuracy of the accounting, as no other issue to which her briefs advert is properly before us in this appeal. Ameritas counters by asserting that the trial court did not err, because the accounting was supported by detailed and itemized documents accounting for all credits and debits to the account. We affirm the trial court.

* Senior Judge Thompson was an Associate Judge of the court at the time of submission. On October 4, 2021, she was appointed as a Senior Judge but continued to serve as an Associate Judge until February 17, 2022. See D.C. Code § 11-1502 & 1504(b)(3). On February 18, 2022, she began her service as a Senior Judge. See D.C. Code § 11-1504.

On September 21, 2017, the Superior Court granted an *in rem* judgment in favor of Ameritas and against Ms. Saxon on its judicial foreclosure claim. In Appeal No. 17-CV-1087, this court dismissed Ms. Saxon's appeal of that judgment. On November 2, 2017, her property at 937 N Street NW in the District of Columbia was sold at foreclosure auction to a third-party purchaser for \$1,168,000.00. The trial court ratified the sale on March 26, 2018. Ms. Saxon appealed and on November 20, 2018, this Court affirmed the ratification order, explaining *inter alia* that "any arguments that the trial court erred in granting appellee's motion for summary judgment and entering an *in rem* judgment are not properly before this court in this appeal." (Appeal No. 18-CV-442)

Thereafter, Ameritas filed a motion for the Superior Court to ratify the accounting of the foreclosure sale. On August 16, 2019, in light of unexplained discrepancies between the amounts of the escrow and corporate advances shown on the foreclosure bid document and the corresponding amounts in the final accounting, the trial court denied the motion without prejudice. In October 2019, Ameritas filed a renewed motion to ratify the accounting, in which it explained the apparent discrepancies as being "due to incomplete information received regarding the amount of fees advanced towards escrow and corporate advances that Plaintiff was able to document." Satisfied with the explanation and the detail set forth in the accounting, the trial court granted the renewed motion on January 6, 2020. Appellant then took this appeal.

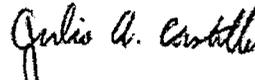
Appellant's objections to Ameritas's right to foreclose on the property and the trial court's ratification of the foreclosure sale are not properly before us in this appeal. Appellant asserts a variety of claims against Ameritas and its attorney, but they are claims that relate to the legality of the original judicial foreclosure proceedings and/or the trial court's ratification in 2018 of the foreclosure sale. These claims are barred by the doctrine of *res judicata* because they were or could have been raised in those earlier proceedings.¹ Therefore, we do not reach the merits of these claims.

¹ See *Crane v. Crane*, 614 A.2d 935, 938 (D.C. 1992) ("In general, the doctrine of claim preclusion, or *res judicata*, prevents the same parties from relitigating the same claim, including any issue that either was or might have been raised in the first proceeding. Principles of *res judicata* preclude a party from raising claims which he or she has already raised, or *had the opportunity to raise*, in an earlier proceeding." (internal citations omitted; emphasis added)).

The only issue before us in this appeal is whether the trial court erred in approving Ameritas's accounting for the proceeds of the foreclosure sale. Appellant points to no factual error in the corrected accounting that Ameritas submitted, and she identifies no error of law committed by the trial court in ratifying that accounting. We have examined it and it appears complete, accurate, and supported by the record before the trial court.²

Accordingly, for the foregoing reasons, we affirm the judgment of the Superior Court.

ENTERED BY DIRECTION OF THE COURT:



JULIO A. CASTILLO
Clerk of the Court

² We review the trial court's factual determinations under a clearly erroneous standard, while our review of legal questions is de novo. *Caison v. Project Support Servs., Inc.*, 99 A.3d 243, 248 (D.C. 2014).

Copies emailed to:

Honorable Fern Saddler

**Director, Civil Division
QMU**

Copy mailed to:

**Lori A. Saxon
937 N Street, NW
Washington DC 20001**

Copy e-served to:

S. Mohsin Reza, Esquire