

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**Civil Division**

MAKINI R. CHAKA,	)	
	)	
Plaintiff,	)	<b>Civil Action No. 2011 CA 000190 B</b>
	)	
v.	)	Courtroom A-50
	)	Judge Laura A. Cordero
FRED DAVIS,	)	
	)	Next Event: Pretrial Conference,
Defendant.	)	April 10, 2012
	)	

**DEFENDANT'S PRETRIAL STATEMENT<sup>1</sup>**

**A. CERTIFICATION OF RULE 16(c) MEETING:**

Pursuant to the court's order on February 23, 2012 and the Temporary Restraining Order that is currently in place, Defendant is filing this statement with the court, so that Plaintiff can retrieve her copy.

**B. PARTIES AND COUNSEL:**

Plaintiff Makini R. Chaka *Pro Se*

Defendant Fred Davis *Pro Se*

**C. NATURE OF THE CASE**

Makini R. Chaka is the Plaintiff in this case. Fred Davis is the Defendant. Plaintiff brings this case against Defendant for harassment and personal injury based upon an incident that occurred at Josephine's Nightclub on January 6, 2011. Plaintiff alleges that on the evening of January 6, 2011, Defendant, who was her former friend or associate, approached her in a threatening manner. Plaintiff admits that she retaliated by throwing an alcoholic drink in his

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<sup>1</sup> Defendant reserves its right to modify this submission as appropriate in light of any decision rendered hereinafter with respect to any pending motions.

face. She alleges that several minutes later, Defendant threw a plastic bottle of orange juice and liquor in her direction, causing her to injure her lip and seek medical treatment. Since that incident, she claims that Defendant harasses her.

Defendant denies Plaintiff's claims and all liability thereto. Defendant refers the court's attention to the Police Report filed by Detective A.D. Williams on January 6, 2011. In the police report, Detective Williams states that he reviewed the videotapes from the night of the incident that show Defendant "approach [Plaintiff] in a **calm** manner, but [Plaintiff] responded by throwing a drink in his face." Detective Williams states that 5 minutes later, Defendant threw an unknown liquid in Plaintiff's face, then tossed the container at her body **not causing any injuries.**" Detective Williams goes on to state that Plaintiff "**attempted to go after** [Defendant]," but was prevented from doing so. He also states that the camera shows Plaintiff being "elbowed by accident, which caused the cut to her lip." Defendant claims that Plaintiff is using this incident to extort Defendant for monetary gain and has previously filed similar lawsuits. Defendant also claims that Plaintiff has gotten into physical fights at various other venues in the Washington, D.C. area and has been banned from entering certain establishments for that reason.

#### D. CLAIMS AND DEFENSES

##### Plaintiff's Claims:

1. Defendant claims harassment and personal injury.

##### Defendant's Defenses:

1. Plaintiff has failed to state an actionable claim under D.C. law.
2. There is no basis for any damages in this case.

#### E. UNDISPUTED ISSUES/STIPULATIONS

None at this time.

**F. DISPUTED ISSUES**

1. Whether Defendant harassed and caused personal injury to Plaintiff.

**G. REQUESTED STIPULATIONS**

None at this time.

**H. RELIEF SOUGHT**

Based upon Plaintiff's one-paragraph and check-the-box Complaint, it is unclear what relief Plaintiff seeks.

**I. CITATIONS**

Plaintiff carries the burden of proof, but has not cited to any proposition of law in support of her claims. Accordingly, Defendant cannot provide any corresponding or appropriate citations of law at this time.

**J. PENDING MOTIONS**

- Plaintiff's Emergency Contempt Motion for Court Order
- Defendant's Motion for Leave to File Opposition to Plaintiff's Emergency Contempt Motion for Court Order and Opposition

**K. WITNESSES**

**Defendant may call witnesses from among the following persons:**

1. Dauod Karim  
Managing Partner, Josephine's Nightclub  
1008 Vermont Avenue  
Washington, D.C.
2. Stewart Prince  
Security Guard, Self-Employed  
(address unknown)

3. Eric Taylor  
Nightclub Promoter (Bar 7 and Café Asia)  
1015 7<sup>th</sup> Street, N.W.  
Washington, D.C. 20001
4. Detective A.D. Williams  
Washington D.C. Metropolitan Police Department  
300 Indiana Avenue, N.W., #5080  
Washington, D.C. 20001
5. Van Ashe  
Nightclub Promoter (Josephine's and Club Mirage)  
1008 Vermont Avenue, N.W.  
Washington, D.C. 20005
6. Head of Security, Bar 7  
1015 7<sup>th</sup> Street, N.W.  
Washington, D.C. 20001
7. Head of Security, Club Eden  
1716 I Street, N.W.  
Washington, D.C. 20006
8. Any witness identified by Plaintiff.

Defendant reserves the right to call impeachment and rebuttal witnesses.

**L. EXHIBITS:**

Defendant's Exhibits are as follows:

**Exhibit 1:** Police Report

**Exhibit 2:** Declaration of Dauod Karim

**Exhibit 3:** Videotape from Josephine's Nightclub showing incident in question

**Exhibit 4:** Declaration of Stewart Prince and Attachments

**Exhibit 5:** Videotape from Stadium Nightclub showing Plaintiff fighting female stripper

**Exhibit 6:** Videotape from Club Mirage showing Plaintiff fighting and throwing bottles

at the wife of DJ Quicksilver from 93.9 and being banned from the venue

**Exhibit 7:** Video-interview by “Hip-Hop Honeys” of Plaintiff dressed in all-green and holding a “pimp-cup,” claiming herself as a “pimpette” (saying she is dressed in green because “green is for the money and gold is for the honeys”) while escorting two women to the 2010 Player’s Ball for pimps; also available at:

[http://www.youtube.com/watch?v=Q91\\_i9XDzNY&feature=youtube\\_gdata\\_player](http://www.youtube.com/watch?v=Q91_i9XDzNY&feature=youtube_gdata_player)

**Exhibit 8:** Photographs attached to Declaration of Stewart Prince taken from Plaintiff’s Facebook page showing her as a self-proclaimed madam/pimp of women with obscene photos of herself and her female escorts

Defendant objects to Plaintiff’s Exhibits as follows:

Defendant has not yet had the opportunity to review Plaintiff’s proposed exhibits as they have not been provided to Defendant. However, to the extent that Plaintiff attempts to use photographs of her injured lip and medical documentation related thereto as exhibits, Defendant objects on the grounds that such exhibits are irrelevant, not probative, and unduly prejudicial.

[ Detective Williams’ police report and the independent videotape incident of the night in question ] ~~Ⓟ~~  
shows Plaintiff being accidentally elbowed in the lip by someone other than Defendant. As such, photographs of her lip and medical documents related to treatment for same are completely irrelevant and not probative of any issues in this case in addition to being highly prejudicial.

Defendant also reserves the right to lodge further objections until all exhibits have been fully examined.

**M. DEPOSITIONS**

No depositions were taken in this case.

**N. PLEADINGS AND DISCOVERY RESPONSES**

**Defendant's Pleadings and Discovery Designations:**

Defendant does not intend to introduce pleading and discovery responses in evidence at trial, but reserves the right to use such documents where appropriate for rebuttal, impeachment, or cross examination purposes.

**O. DEMONSTRATIVE OR PHYSICAL EVIDENCE**

Defendant reserves its right to present any exhibit or portion of the same via an enhanced copy or projection.

**P. VIDEOTAPES**

Defendant intends to use: (1) the videotape from the night of the incident at Josephine's Night Club on January 6, 2011, (2) the videotape of a physical fight between Plaintiff and another patron at Stadium Night Club, (3) the videotape of Plaintiff fighting with and throwing bottles at DJ Quicksilver's wife at Club Mirage, and (4) a video-interview by "Hip-Hop Honeys" of Plaintiff dressed in all-green and holding a "pimp-cup," claiming herself as a "pimpette" (saying she is dressed in green because "green is for the money and gold is for the honeys") while escorting two women to the 2010 Player's Ball for pimps, which is also available at: [http://www.youtube.com/watch?v=Q91\\_i9XDzNY&feature=youtube\\_gdata\\_player](http://www.youtube.com/watch?v=Q91_i9XDzNY&feature=youtube_gdata_player).

**Q. JOINT PROPOSED VOIR DIRE QUESTIONS**

Not Applicable as this is a bench trial.

**R. LIST OF STANDARD JURY INSTRUCTIONS REQUESTED**

Not Applicable as this is a bench trial.

**S. NON-STANDARD JURY INSTRUCTIONS**

Not Applicable as this is a bench trial.

**T. VERDICT FORMS**

Not Applicable as this is a bench trial.

**U. SETTLEMENT**

The parties mediated one time with this Court and continued to discuss settlement, but could not come to an agreement.

**V. ESTIMATED LENGTH OF TRIAL**

Defendant estimates the trial of this matter will take no more than 1 day.

Respectfully submitted,

DATED: April 5, 2012

          /s/ Fred Davis            
Fred Davis  
*Pro Se*