

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
FAMILY DIVISION
DOMESTIC RELATIONS BRANCH**

JOHNNY LEE BROWN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2021 DRB 002689
	:	Judge Kelly Higashi
	:	Next Event: Continued Initial Hearing
DONNA LOUISE TRIPPLET	:	Date: September 7, 2022 at 12:30 PM
	:	
Defendant.	:	

ORDER GRANTING PLAINTIFF’S MOTION TO SERVE BY POSTING

This matter came before the Court for a continued initial hearing on Plaintiff Johnny Lee Brown’s *Complaint for an Absolute Divorce*, filed on October 29, 2021. Plaintiff appeared *pro se*, and Defendant Tripplet did not appear.

Pending before the Court was Plaintiff’s *Motion to Serve by Publication or Posting*, filed on May 13, 2022. Defendant has not filed an opposition to the motion or answer in this matter. For the following reasons, the Court grants Plaintiff’s motion.

Before an order allowing service by publication or posting may be issued, the Plaintiff must demonstrate that they made a diligent but futile effort to locate the Defendant, and must furnish the Court with the following:

(1) the time and place at which the parties last resided together; (2) the last time the parties were in contact with each other; (3) the name and address of the last employer of the Defendant either during the time the parties resided together or at a later time if known to the Plaintiff; (4) the names and addresses of those relatives known to be close to the Defendant; and (5) any other information which could furnish a fruitful basis for further inquiry by one truly bent on learning the present whereabouts of the Defendant. From such basic information, the Plaintiff should then detail for the Court the particular efforts which have been made in the effort to ascertain the Defendant’s present address.

Bearstop v. Bearstop, 377 A.2d 405, 408 (D.C. 1977).

In the case at hand, the Court finds that Plaintiff has performed a diligent search for Defendant. According to his Motion, Plaintiff's last contact with Defendant occurred in 2010 by telephone, when Defendant's number was listed as (240) 487-6050. However, when Plaintiff contacted that phone number on December 20, 2021 to ascertain Defendant's whereabouts for service, an automated message stated the number was invalid. When Plaintiff tried the same phone number again on May 12, 2022, Plaintiff represents the phone rang until the call automatically terminated and did not give an option to leave a message or voicemail. Plaintiff states he also contacted "411" on April 5, 2022 and that the operator stated there was no listing for Defendant in either the District of Columbia or Philadelphia.

Plaintiff additionally represents in his motion that Defendant's last known home address is 3366 Toledo Terrace, Apt. H, Hyattsville, MD 20782, where Plaintiff mailed the Summons and Complaint to by certified mail on May 12, 2022, to which he received no response. Plaintiff's motion also indicates he contacted the four prisons or jails in the D.C. area on March 17, 2022, all of which confirmed that Defendant's name did not appear in their records. In his Motion, Plaintiff notes he is unaware of the Defendant's last known employer, and he represented during the continued initial hearing that he and Defendant separated only six months after getting married.

Based on the foregoing, the Court finds that Plaintiff has made diligent efforts to locate Defendant. The Court next considers Plaintiff's request for service by posting, rather than publication. Pursuant to the Rules Governing Domestic Relations Proceedings, Rule 4(f), the Court may authorize service by posting notice in the Clerk's Office of the Family Court for a period of twenty-one (21) days if the cost of publication would impose a substantial financial hardship. *See* D.C. CODE § 13-340(a). On October 29, 2021, the Court granted Plaintiff's

Application to Proceed Without Prepayment of Costs, Fees, or Security based on Plaintiff's demonstrated financial hardship, and Plaintiff indicated during the hearing that he would be substantially impacted by the economic hardship of serving via publication. Thus, the Court finds that publication would pose a financial hardship and authorizes service by posting of the below notice for a period of twenty-one (21) days in the Clerk's Office, and, given the Coronavirus pandemic, on the Court's website. If Defendant fails to file a responsive pleading within the time allowed after she has been served, the Court may enter a default and convert the next hearing into a default/*ex parte* hearing to take testimony from Plaintiff and proceed to final judgment without Defendant's participation. Further, the Court will continue the currently scheduled hearing in order to allow an adequate time both for posting and for Defendant to respond.

In addition, the Court directed Plaintiff to file a form titled "Affidavit in Support of Default and Compliance with Servicemembers Civil Relief Act of 2003" attesting that the Defendant Trippett is not an active service member. This form is required in order to proceed if Defendant is found in default at the next hearing. This form is specific to the Family Court Division of the D.C. Superior Court and can be located by going to www.dccourts.gov, finding the "Forms" link on the bottom of the page, and then narrowing the search by selecting "Family" from the "Category" drop-down list. The form is listed under the title "Affidavit in Support of Default." Furthermore, the Court informed Plaintiff that he could visit the "Servicemembers Civil Relief Act (SCRA) Website" at <https://scra-e.dmdc.osd.mil/scra/#/home> and receive a printout regarding Defendant Trippett's active service status if Plaintiff knows Defendant's date of birth and social security number. If Plaintiff does not have Defendant's social security number, he may still mail the form to the mailing address provided on the website. Plaintiff was also encouraged to contact the Family

Court's Self-Help Center at (202) 879-1212 or the Family Law Assistance Network ("FLAN") at (202) 844-5428 for assistance in completing the required form. Plaintiff can also go online to www.lawhelp.org/dc for legal information and resources.

WHEREFORE, it is on this **21st** day of **June 2022**, hereby

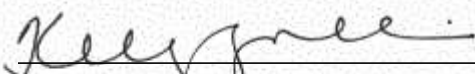
ORDERED that Plaintiff's *Motion to Serve by Publication or Posting* is **GRANTED**; and it is further

ORDERED that the attached notice shall be posted in the Clerk's Office of the Family Court of the Superior Court of the District of Columbia and on the Superior Court's website for a period of twenty-one (21) calendar days in order to serve Defendant and notify her of the present action in which she is a party; and it is further

ORDERED that the initial hearing currently scheduled for March 1, 2022 shall be **CONTINUED** to September 7, 2022 at 12:30 PM in order to ensure an adequate time both for posting and for Defendant to respond; and it is further

ORDERED that the parties shall appear for a continued initial hearing on **September 7, 2022 at 10:00 a.m.** in Courtroom 104 (500 Indiana Ave NW, Washington, DC 20001). Failure to appear may result in a default judgment, sanctions, or dismissal.

IT IS SO ORDERED.


KELLY HIGASHI
D.C. SUPERIOR COURT JUDGE

Copies to:

Johnny Lee Brown
ARVELLAGOODING@GMAIL.COM
Via Email
Plaintiff

Donna Louise Triplet
5403 13th St. NW
Washington, DC 20011
Via First-Class Mail
Defendant