

Answer to Defendant Huang's Interrogatories to Proposition One Committee Trust

1) *Identify yourself, and in respect of each Interrogatory, identify the person or persons answering same, or any portion thereof. Where information from more than one person is required to provide a complete response, identify each portion of each answer that was supplied by each person.*

Response:

Ellen Thomas, Trustee and Beneficiary, Proposition One Committee Trust, and Executive Director and Treasurer of Proposition One Committee, with the assistance of counsel

2) *Identify all persons not identified in Interrogatory No. 1 who possesses personal knowledge of the facts relating to your claim to quiet title, to the condition of the property, to its possession and occupancy since July 2000, and to the expenses incurred and income earned since July 2000.*

Response:

Brian Murphy
Robin Mills
Charles Raines
David Lockwich
Rudy Stolfer
Mary Thompson
Richard Ochs
Kevin McCarron
Acie Gearheart
Tony Fasolina
Troy Kovacs
Sonia Silbert
Julie Conner
Debra Spikes
Elijah Alexander
Crystal Zevon
Feriha Kayikci
Mira Dabit (deceased)
William Thomas (deceased)
Jay Marx (deceased)

3) *For each witness you have identified, state in detail the testimony or other evidence you anticipate that they are able to provide.*

Response:

They will testify to the condition of the property when they were there:

Brian Murphy - Contractor, 2000
Robin Mills - 2000 – 2012 – helped with repairs; visited regularly as a friend
Charles Raines - 2000 – 2009 – helped with repairs; lived in the basement in early years

David Lockwich - 2000 – 2001 - helped with repairs
Rudy Stolfer - 2000 – 2003 – helped with repairs
Mary Thompson - 2002 – 2015 – close friend, helped with maintenance and landscaping
Richard Ochs - 2001 – 2014 – helped with repairs
Kevin McCarron – 2000-2002 – scraped bricks clean after pointing
Acie Gearheart - 2000 – 2009 – visited regularly as a friend
Tony Fasolina - 2002 – 2009 – visited regularly; as a fireman, consulted on fireplace safety
Troy Kovacs - 2000 - 2010 – lived in the house, helped with the vigil outside the White House
Sonia Silbert - 2008 – 2009 – managed the Washington Peace Center in the basement
Julie Conner - 2009 – 2011 – lived in the basement for a while
Debra Spikes - 2009 – 2011 – lived in the basement for a while
Elijah Alexander- 2009 – 2013 – lived in the house, helped manage it
Crystal Zevon - 2012 – attempted to purchase the house, lived there for several months
Denise Valdez - 2012 – managed the house with Crystal Zevon and Occupy
Feriha Kayikci - 2013 – 2015 – managed the Peace House after Mira Dabit died

4) *Identify all persons you consulted as potential expert witnesses in this matter, and, or any whom you intend to call at the trial of this case, provide the information discoverable under Rule 26(b)(4) including the identity of each expert, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.*

Response:

Brian Murphey – can't contact, but I'm attaching his report from 2000 of what needed to be done; see Answer to Defendant Huang's Requests for Production of Documents, #7

Robin Mills – general construction – condition of property and work that he did 2000, 2005-2008, 2010

Richard Ochs – electric and plumbing - condition of property and work that he did in 2001, 2010, and 2014

5) *Identify every person who expects to participate in the anticipated proceeds of sale of the Property to Mantanzas, LLC*

Response:

Ellen Thomas (reimbursed for all money invested by herself and her husband, William Thomas, now deceased), and

Proposition One Committee (501-c-4 non-profit) Campaign for a Nuclear-Free Future (anything left over after reimbursing Ellen Thomas and paying legal fees and taxes)

6) *Identify any person or entity connected with the ownership, management, establishment and distribution of Proposition One Committee Trust from its creation to the present time, including but not limited to its beneficial owner(s), beneficiary(ies), settler(s), manager(s), accountants, attorneys and/or trustee(s).*

Response:

William Thomas, settlor and beneficiary
Proposition One Committee, beneficiary
Ellen B. Thomas, Trustee and beneficiary (Section II(b))
William C Wardlaw, Trustee
J.E. McNeil, attorney who drafted the Trust in 1998

7) *Explain the origin of the relationship and the powers, responsibilities and contractual obligations of each of the individuals or entities identified in No. 6, above.*

Response:

In 1998, when William Thomas (“Thomas”) inherited \$90,000 from his mother, he and his wife, Ellen B Thomas (“Ellen”) decided to put the money in a Trust, naming as beneficiaries William Thomas and Proposition One Committee, which was a 501-c-4 non-profit corporation in the District of Columbia set up to bring the idea of global nuclear weapons abolition to the voters of Washington DC. They used that money to purchase and provide materials to repair 1233 12th St NW, Washington DC 20005. William C. Wardlaw, President of Proposition One Committee, was co-Trustee along with Ellen. Ellen, who is Executive Director and Treasurer of Proposition One Committee, managed the property and the money, which was exhausted by the end of 2002 in making repairs.

On January 5, 2009, the Trustees of Proposition One Committee Trust signed a notarized quitclaim deed to William Thomas for 1233 12th St NW. On January 14, 2009, William Thomas quitclaimed the property to his wife, Ellen B. Thomas. Thomas died on January 23, 2009, before those documents were filed, but Ellen Thomas has retained the originals. In April, 2011, the Proposition One Committee Board of Directors signed a December, 2010, resolution honoring William Thomas’s deed to Ellen Thomas and relinquishing any claim to 1233 12th St NW. See Answer to Defendant Huang’s Requests for Production of Documents, #3.

The contractual obligations are spelled out in the Trust. See Answer to Defendant Huang’s Requests for Production of Documents, #13.

8) *Describe in detail how you first became aware of the quitclaim deed issued by the District of Columbia to the Huang, a copy of which is attached to these Interrogatories for your reference, and how you responded to the news that the District had conveyed its interest in the Property to the Huang just three months prior to issuing its deed to you on July 19, 2000.*

Response:

I first became aware of the quitclaim deed to the Huang when I received it in an email from my attorney on September 1, 2015, and was very shocked. None of us connected with the property had ever heard a word about this, not even from the Huang or anyone representing the Huang during Michael Murphey’s attempt to clear title.

9) *Provide a chronology of your ownership of the Property describing the following:*

A) Your efforts, including expenses, to maintain, improve, and protect the physical building;

Response:

At the time we successfully bid on the property in July 1999, the building was boarded up and had been vacant for years. The exterior paint was flaking, and the yard was overgrown. There was a "clean it or lien it" sign in the front yard.

We bought the property without ever seeing the inside. In July 2000, the day we recorded the deed, when we finally were able to climb in the upstairs bedroom window, we found that:

1- The roof had been leaking and the stairs and banister were in bad shape structurally and had to be rebuilt. The roof had to be repaired and resurfaced. We repaired the stairs and installed natural wood paneling along the staircase, and shelves at the top and bottom.

2- The electrical wiring was ancient. We got a permit and replaced all of it, encasing the wires in conduits to be sure there would be no electrical fires, and installed smoke detectors throughout the house. The wiring was approved by a city inspector.

3- There was only one bathroom, on the second floor, with no toilet, sink, or bathtub, and all but one 8-foot copper pipe had been removed from the entire house. We completely replaced the plumbing, and immediately added a half bath on the first floor; later we added a 3/4 bath and kitchenette in a 400-square-foot mother-in-law apartment we put in the front of the basement, and a full bathroom with Jacuzzi in the rear of the basement.

4- There were no floor, cabinets, or equipment in the kitchen. There was no proper foundation under the kitchen, and the back wall was starting to crack and threatening to fall. Before anything else, we had to dig out the basement under the kitchen and pour new footings and a new basement floor, repair the joists between kitchen and basement, and put down a floor. We then tore down and rebuilt the back wall, reinforcing it with steel bars. We installed a stainless-steel 6-burner gas stove, a double sink, and wooden cabinets in the kitchen.

5- There was no laundry room. We installed a washer and gas dryer and workbench in the basement.

6- The floors needed a lot of work. We repaired, sanded and polyurethaned the wood floors on the first floor, and installed marble tile floors in the kitchen and bathrooms. We put down plywood flooring on the second floor, planning to install carpet, which we never got around to.

7- Many of the windows were broken and disintegrating. Because the house was on the historic register, we decided to scrape the paint off the existing windows and doors, repair the wood, replace the glass, and install storm windows. We installed a glass-block window on the south wall of the first floor, and stained-glass windows in the living room. We scraped and painted the front of the house.

8- The interior walls were mildewed, ancient plaster, which we removed and carted to the dump, discovering that the mortar between the bricks was crumbling and had to be replaced. We pointed and repaired all the bricks inside the exterior walls on all three floors, each floor 1,200 square feet, hand-scraped the bricks clean of excess mortar, and polyurethaned the walls on the first and second floors. We put up sheetrock on the ceilings and the walls dividing the rooms and painted them. We painted the bricks in the mother-in-law apartment.

9- There were no back steps or gates in the alley, which we installed.

10- We installed two new front doors (inside the gate, and inside the foyer), a new back door, and new basement front doors. We installed new locks, and painted the iron grates over the front windows.

11- The front yard was a mess. We built a white picket fence and mailbox. We planted a Peace Pole and a number of shrubs and flowers inside the fence, and got permission from the city to put in a planter along the curb, which now has a respectable tree shading the sidewalk.

12- The chimneys needed repair. The furnace was ancient, rusted, and inoperable, so we removed it and the rusty radiators and installed a new wood stove in the living room (approved by the city inspector), which was all the heat we had for several years, until we installed an on-demand water heater and in-floor heating in 2006.

(Unfortunately, that on-demand water heater broke down and was taken out sometime after 2011, after Occupy Peace House moved in, and replaced with a standing water heater that was no longer connected to the in-floor heating. They also damaged the smoke detectors and the first-floor toilet, painted the natural wood paneling, tore down the picket fence and mailbox, and destroyed the landscaping in the front yard. They made no repairs, although they were contractually supposed to.)

Currently, now that the house is vacant, I have installed new locks on the outer gates, and have asked our friend Mary Thompson to keep an eye on the house since I live 500 miles away. She has cleaned up the mess the tenants left in the front yard and planted flowers, and checks on the house and yard once or twice a week.

See photos, Answer to Defendant Huang's Requests for Production of Documents, #4.

B) How you regulated the occupancy of the building since July 2000, including the identity and the specific uses thereof by each occupant up to the present time or up through the date you ceased to exercise physical control over or management of the Property, if ever;

Response:

William and Ellen Thomas repaired, paid bills, lived in and managed the house, which we called the Peace House, and invited many peace activists and homeless people to stay for varying lengths of time at no charge, William Thomas until his death January 23, 2009, and Ellen Thomas until December 2011. We managed the Proposition One Campaign from the Peace House, and invited the Washington Peace Center to relocate to a basement apartment (which we created for the purpose) for a couple of years when it was going through some financial difficulties. They moved out in 2009.

Troy Kovacs was with us the whole time, helping both in front of the White House and at the Peace House. Troy Kovacs is a Director of Proposition One Committee.

Ellen collected leftover food from three Firehook bakeries five days a week and donated sandwiches, salads, and sweets out the front door, and delivered extra bread and pastries to soup kitchens and shelters around the city.

There were too many people who stayed over the years to be able to remember. Most of them paid no money. Many of them helped with the physical labor of repairing or maintaining the house. A few of them helped to pay the utilities, taxes and insurance. The Washington Peace Center paid \$500 per month toward expenses in 2007-2009. Julie Conner contributed \$500 per month towards expenses in 2010. Occupy Peace House paid \$1,100 per month towards expenses in 2012 and half of 2013. Otherwise all expenses were paid by the Proposition One Committee, with Ellen Thomas as accountant and Treasurer.

Jay Marx managed the house when Ellen was away in 2010 and 2011, and introduced Ellen in December, 2011, to Crystal Zevon, who wanted to purchase and manage the Peace House. Ellen agreed to let Crystal move in for six months with other Occupy DC activists while they attempted to obtain funding to purchase the house, which Crystal was unable to do. She moved out, but the people she invited in to help her manage the Peace House, who were at the time part of the Occupy DC campaign, wanted to try to buy the house, so Ellen allowed them to stay under the same terms as Crystal's, which were to pay all the utilities and repairs needed while living in the house, and pay \$1,100 per month to Proposition One Committee so we could pay the taxes and insurance.

In February 2012 Joseph Bratcher, who had come in with Crystal Zevon, asked for proof that he was living at 1233 12th St NW so he could receive \$500 per month from a social service agency, so he could contribute to paying the expenses. As a favor to him, Ellen unfortunately signed a month-to-month lease with Bratcher, which led to a very long and expensive eviction process later on. Mr. Bratcher never personally paid a penny to Proposition One Committee or Ellen Thomas.

In December, 2012, the woman who was managing the house after Crystal left (Mira Dabit) died suddenly, and the rest of the occupants, now managed by Feriha Kayikci, stopped paying most of the bills after June 2013. They also refused to vacate the house when asked, and we had to hire Aaron Sokolow to file a lawsuit to evict them.

(no C in defendants' document)

D) The identity of any person or entity which assumed physical control or management of the Property after you ceased to do so.

Response:

2011 – Jay Marx (now deceased)

2012 – Crystal Zevon / Mira Dabit (now deceased) / Occupy Peace House

10) Why do you believe that the District's quitclaim deed of February 2000 to the Huangs should be disregarded and your subsequent deed of July 2000 should be regarded as superior in right and have priority as evidence of title to the Property? Please provide any legal authority you rely upon in your response.

Response:

We successfully bid at the tax sale in July 1999, doing due diligence, and were waiting the statutory 6 months to pay the bills and get the tax deed when the Mayor erroneously deeded the property to the Homestead Program, which we discovered by finding a sign in the boarded-up window in October 1999. We immediately appealed to the Mayor and to Lynn French of the Homestead Program. **This was several months before Homestead allegedly quitclaimed the property to the Huangs.** In December and January we wrote the Mayor again, referring to conversations we had with his aide. We had an exchange with Lynn French February 18 and 25. On February 29, 2015, Lynn French quitclaimed the property to the Mayor, the same day, apparently, that she quitclaimed to the Huangs, even though in her February 25, 2000, letter to us she wrote, "We cannot legally sell the property to you without offering it through a competitive process. I will, however, review the matter and make a determination by close of business on Tuesday, February 29th as to whether or not we will quitclaim the property. Such action would return it to its ownership status prior to inclusion in the Homestead inventory and enable to (sic) Office of Tax and Revenue to handle the matter in accordance with its procedures."

I cannot imagine why Homestead might have quitclaimed the property to the Huangs, since there is no record that they paid any of the taxes, interest, and penalties that they owed, and Lynn French was fully aware of the fact that we had successfully bid on the property at the tax sale in July 1999. Ms. French soon thereafter developed a rather unsavory reputation (see [July 12, 2001, Washington Post article about Lynn French](#)).

11) Identify each property in the United States which you claim to have acquired as purchaser at a tax sale held or sponsored by the governmental entity asserting jurisdiction over each particular property so acquired. For each such property, state its exact address, date of purchase, date you sold it or it was redeemed, and the name of the immediate prior owner.

Response:

1233 12th Street NW, Washington, DC 20005 was the only one.

12) *Describe the circumstances of any lawsuits in which you were named as a party, including the names of all parties and attorneys involved, the name of the court, the nature of the suit, and its outcome if resolved.*

In 2002 we filed a complaint in DC Superior Court to clear title of 1233 12th St NW pro se, but withdrew that complaint after consulting an attorney whose name I don't remember, who told me we didn't need to do it until we wanted to sell the house or get a mortgage, neither of which we planned to do. We had very little money, and needed it for repairing the house, and the attorney told us it would cost us at least \$3,000 up front to start the process, so we decided to wait.

William Thomas died in January 2009, and we tried to keep the Peace House going, but by 2011 we were exhausted physically and financially and began looking for a buyer, preferably someone who would keep it a Peace House. We began the process of clearing title. In 2011 we were plaintiff in a lawsuit in DC Superior Court to clear title on 1233 12th St NW. Michael Murphey was our attorney. He filed the Complaint under the wrong statute, and the judge dismissed the case without prejudice after nearly two years of our complying with all legal requirements, including contacting Mr. Huang, who initially said he wanted the house, but then dropped out of sight when he realized he couldn't afford it.

In 2011 we were plaintiff in a lawsuit in DC Superior Court to evict Stephen Sweeney and Concepcion Picciotto from 1233 12th St NW. They signed an agreement to move out. Mr. Sweeney did, Ms. Picciotto did not. Edward Cordone was our attorney

In 2013 we hired Aaron Sokolow to represent us in DC Superior Court in removing Concepcion Picciotto and Joseph Bratcher and the other Occupy Peace House people from the house. This was finally achieved in 2015.