



**DISTRICT OF COLUMBIA DAMAGES LAWS
QUICK REFERENCE GUIDE**

Choice of Venue	<p>Superior Court: D.C. only has one court, Superior Court. However, D.C. does have a Small Claims Branch.</p> <p>Small Claims: Any case filed for \$10,000 or less can be heard by the Small Claims Branch. However, if either party requests a jury, then the case will not be heard by the Small Claims Branch.</p>
Economic vs. Non-Economic Damages	<p>Economic: Quantifiable damages such as the cost of repair or replacement of property, the cost of medical care and treatment (past and future), or lost income (past and future)</p> <p>Non-Economic: Non-quantifiable damages such as pain and suffering, intentional infliction of emotional distress, loss of care, loss of support, etc.</p>
Statutes of Limitations	<p>Personal Injury: 3 years¹</p> <p>Wrongful Death: 2 year within date of death²</p> <p>Medical Malpractice: 3 years¹</p> <p>Property Damage: 3 years¹</p> <p>Contract, Express or Implied: 3 years¹</p> <p>Breach of Warranty, U.C.C.: within 4 years of contract execution³</p> <p>Products Liability: 3 years from date of discovery⁴</p>
Punitive Damages	<p>Standard: Clear and convincing evidence that the defendant demonstrated: 1) that the defendant acted with evil motive, actual malice, deliberate violence or oppression, or with intent to injure, or in willful disregard for the rights of the plaintiff; and 2) that the defendant's conduct itself was outrageous, grossly fraudulent, or reckless toward the safety of the plaintiff.⁵ This standard is less strict than Maryland's, for example, which requires actual malice.</p> <p>Absent extraordinary circumstances, the District of Columbia is not liable for punitive damages.⁶</p>

¹ See D.C. Code Ann. § 12-301

² See D.C. Code Ann. § 16-2702

³ See D.C. Code Ann. § 28:2-725

⁴ See *Gassmann v. Eli and Co.*, 407 F.Supp. 2d 203 (D.D.C. 2005)

⁵ See *Croley v. Rublican Nat'l Comm.*, 759 A.2d 682, 695 (D.C. 2000)

⁶ See *Smith v. District of Columbia*, 336 A.2d 831 (D.C. 1975)

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D.C. Office

1100 Connecticut Avenue, Suite 950
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Personal Injury or Wrongful Death Damages Cap	<p>Wrongful Death: There are no damages caps for wrongful death claims in the District of Columbia.</p> <p>Personal Injury and Medical Malpractice: There are no damages caps for personal injury or medical malpractice claims in the District of Columbia.</p>
Wrongful Death Damages	<p>The damages recovered in a wrongful death action, except the amount specified by the verdict or judgment covering the reasonable expenses of last illness and burial, are protected from the decedent's creditors.⁷</p> <p>Wrongful death damages are allocated to family members based on findings of their respective loss, in the form of a percentage.⁸</p> <p>A personal representative may recover the funeral expenses.⁹</p> <p>Damages may include: cost of funeral and burial, medical bills, loss of financial support (including wages and benefits), and value of lost services including care, support and companionship.⁶</p> <p>Damages may not include award for grief, mental distress, or the loss of love and affection.⁶</p>
Noteworthy D.C. Rules	<p>Dram Shop Liability statute permits third-parties to recover from persons or entities that serve alcohol in the District. The D.C. statute imposes liability (1) on a bar that serves an intoxicated or visibly intoxicated patron or (2) where an intoxicated or visibly intoxicated patron consumes alcohol on the premises. By extending that liability to consumption, the D.C. Legislature has essentially imposed a strict liability scheme on the D.C. hospitality scene, making it their responsibility to ensure that patrons do not drink on their premises once the patron becomes intoxicated or visibly intoxicated.¹⁰</p> <p>No Fault Insurance - There is a 60-day election period in which a person can choose to use their no fault insurance (or personal injury protection). With very limited exceptions, if no fault is selected, then a claimant cannot submit a claim against the other driver. No fault insurance does not provide any money for pain and suffering. A person can elect their no fault benefits and still bring a claim against the responsible driver if: medical costs exceed policy limits for personal injury protection, and your injuries involve substantial permanent impairment, disfigurement, scarring, or substantial impairment lasting at least 180 days. If a claim is filed against both the at fault driver and the no fault insurance, and the thresholds are not met, then the claim against the responsible driver will be disqualified.¹¹</p>
Lost Wages	<p>Lost wage calculations in D.C. require deductions for expected income tax.</p>

**This is meant to be a quick reference guide for the general laws of this jurisdiction.
However, legal issues are complex and often require legal expertise.
Please call the attorneys at DeCaro Doran to address any specific questions.**

⁷ See D.C. Code Ann. § 16-2703

⁸ See D.C. Code Ann. § 16-2701

⁹ See *Jefferson v. E.D. Etnyre & Co.*, 300 F.Supp. 2d 109, 2004 U.S. Dist. LEXIS 1304 (D.D.C. 2004)

¹⁰ D.C. Code Ann. § 25-781; See also *Jarrett v. Woodward Bros., Inc.*, 751 A.2d 972 (D.C. 2000)

¹¹ D.C. Code Ann. § 31-2404; § 31-2405