

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KAREN HENSON, <u>et al.</u>	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-407 (GK)
	:	
W.H.H TRICE AND COMPANY,	:	
<u>et al.</u>	:	
	:	
Defendants.	:	

ORDER

Plaintiffs' claims arise from the death of Santino Henson in March of 2003.¹ An unknown person shot and killed the decedent in a parking lot at 33 K Street, N.W., in Washington, D.C. Metropolitan Protective Services ("Metropolitan") provided security services at the location.² Defendants are business entities and individuals that own and/or manage the parking lot and apartments at the location.³

¹ Plaintiff Karen Henson is the mother of the decedent and asserts claims in her individual capacity, in her capacity as personal representative of Santino Henson's estate, and in her capacity as next friend of Dominique Henson and Raymond Stewart (the decedent's minor brothers).

² Plaintiffs initially named Metropolitan as a Defendant, and the other Defendants filed a cross-claim against the security company. All parties have since settled and dismissed their claims against Metropolitan.

³ Defendants are W.H.H Trice & Co. ("Trice"), John J. Diggs ("Diggs"), Bush Construction Co. ("Bush"), Temple Courts Associates, and James I. Meade ("Meade").

Plaintiffs bring a survival action and assert claims for negligence, nuisance, intentional infliction of emotional distress, and wrongful death. Plaintiffs seek compensatory and punitive damages.

The case is presently before the Court on motions to dismiss and motions for summary judgment by Defendants Trice, Diggs, Bush, Temple Courts Associates, and Meade. For the reasons stated in the Court's accompanying Memorandum Opinion, it is hereby

ORDERED that Defendants' Motion to Dismiss Plaintiffs Karen Henson, Karen Henson as Next Friend of Dominique Henson, a Minor, and Karen Henson as Next Friend of Raymond Stewart, a Minor, **[#53]** is **granted**; and it is further

ORDERED that Defendants' Motion to Merge Counts and Dismiss Ad Damnum Clauses **[#54]** is **granted**; and it is further

ORDERED that Defendants' Motion to Dismiss Count I (Negligence) **[#55]** is **denied** without prejudice; and it is further

ORDERED that Defendants' Motion for Partial Summary Judgment (Punitive Damages) **[#56]** is **denied** without prejudice; and it is further

ORDERED that Defendant's Motion for Partial Summary Judgment on Count III of the Complaint (Intentional Infliction of Emotional Distress) **[#57]** is **denied** without prejudice; and it is further

ORDERED that a pre-trial conference in this matter is scheduled for January 16, 2007, at 11:00 a.m. in the jury room.

December 21, 2006

/s/
Gladys Kessler
United States District Judge

Copies to: attorneys of record via ECF