

DISTRICT OF COLUMBIA COURT OF APPEALS

Mitchell v. Gales

61 A.3d 678 (D.C. 2013) · Decided February 28, 2013

SUMMARY

The District of Columbia Court of Appeals held that a landlord could not collaterally attack an Office of Administrative Hearings rent-reduction order in a Superior Court proceeding to convert the order into a judgment. The court concluded that alleged mental incompetence did not create an exception to the rule limiting collateral attacks to jurisdictional defects or fraud in procuring the judgment. It reversed and remanded with instructions to enter the OAH order as a judgment.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Easterly, Associate Judge; Easterly; Fisher; King
JURISDICTION	District of Columbia
DECIDED	February 28, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mitchell appealed the Superior Court's dismissal of his application to enter an Office of Administrative Hearings final order as a judgment. The Superior Court permitted Gales to raise res judicata and related defenses in the collateral conversion proceeding based on alleged mental incompetence during the administrative litigation.
STANDARD OF REVIEW	De novo review of the dismissal of a claim under Rule 12(b)(6) and the application of res judicata.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Byron S. Mitchell v. Annie Gales

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a party may collaterally attack a final OAH order in a Superior Court proceeding to enter that order as a judgment by asserting res judicata based on an earlier judgment.
2. Whether alleged mental incompetence during the administrative proceeding creates an exception to the general rule prohibiting collateral attacks on prior civil judgments.
3. Whether the asserted possibility of double recovery permits a collateral attack on the OAH order.

HOLDINGS

1. A party may not collaterally attack a final administrative judgment in a separate enforcement or conversion proceeding on the merits. A collateral challenge is permitted only when it attacks the original tribunal's jurisdiction or alleges fraud in procuring the judgment.
2. Alleged mental incompetence does not, on the record presented, create a new exception permitting collateral attack on a final civil or administrative judgment. A judgment against an incompetent person is generally voidable rather than void and must be challenged directly rather than collaterally.
3. Res judicata is an affirmative defense subject to waiver if it is not raised in the answer or timely asserted thereafter; raising it for the first time after entry of a final judgment in a collateral proceeding is impermissible.
4. An asserted double recovery does not justify a collateral attack on a final administrative order in a proceeding to enter that order as a judgment.

KEY QUOTATIONS

“It has long been the law in this jurisdiction that a disappointed litigant may not seek relief from an adverse civil judgment by collaterally challenging that judgment in a different forum unless that litigant is challenging the original forum’s jurisdiction or alleging fraud in the procurement of the judgment in that original forum.” (683-684)

“Moreover, “[b]ecause of such merger, the underlying merits of the judgment are immune from collateral attack in an enforcement action; principles of claim preclusion (res judicata) bar such inquiry.” (684)

“Nothing about the facts of this case persuades us that a new exception to the general rule against collateral attack is needed at this time.” (686)

“Delaying beyond a final judgment and raising a defense of res judicata for the first time in a collateral proceeding is particularly untenable” (687)

FACTUAL BACKGROUND

Mitchell rented an apartment from Gales for \$425 per month, and a District of Columbia inspection found serious habitability defects, including exposed electrical wires, holes in the walls, sewage problems, mold, bedbugs, and mice. Mitchell first obtained a \$900 Small Claims Court judgment and later obtained an OAH final order awarding \$13,014.32 in rent refunds and interest. Gales did not timely contest the OAH proceeding and later argued in the Superior Court conversion proceeding that alleged mental incompetence excused her failure to raise res judicata and double-recovery defenses before OAH.

PROCEDURAL HISTORY

Mitchell obtained a \$900 Small Claims Court judgment and later prevailed in an OAH rent-reduction proceeding, which resulted in a \$13,014.32 final order. He petitioned the Superior Court to enter the OAH order as a judgment. After OAH denied Gales's untimely motion for relief from the final order, the Superior Court granted Gales's Rule 12(b)(6) motion and dismissed Mitchell's conversion application, reasoning that alleged incompetence permitted a collateral res judicata defense. The Court of Appeals reversed and remanded with instructions to enter the OAH order as a judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Superior Court with instructions to enter the OAH order, which was final upon issuance and had not been stayed, as a judgment.

CASES CITED

- Strand v. Frenkel, 500 A.2d 1368 (D.C. 1985)
- Indem. Ins. Co. of N. Am. v. Smoot, 152 F.2d 667 (D.C. Cir. 1945)
- M.A.P. v. Ryan, 285 A.2d 310 (D.C. 1971)
- Calomiris v. Calomiris, 3 A.3d 1186, 1190 (D.C. 2010)
- Clement v. District of Columbia Department of Human Services, 629 A.2d 1215, 1218 (D.C. 1993)
- Baltimore S.S. Co. v. Phillips, 274 U.S. 316, 325 (1927)
- Carter v. Saxon, 358 A.2d 639, 642 (D.C. 1976)
- Osei-Kuffnor v. Argana, 618 A.2d 712, 715 (D.C. 1993)
- Stone v. McConkey, 761 A.2d 276, 277 (D.C. 2000)
- Group Health Ass'n, Inc. v. Reyes, 672 A.2d 74, 75 (D.C. 1996)
- Threatt v. Winston, 907 A.2d 780, 783-784 (D.C. 2006)
- Olivarius v. Stanley J. Sarnoff Endowment for Cardiovascular Science, Inc., 858 A.2d 457 (D.C. 2004)
- Domino Media, Inc. v. Kranis, 9 F. Supp. 2d 374, 388 (S.D.N.Y. 1998)
- Henderson v. Snider Bros., Inc., 439 A.2d 481, 485 (D.C. 1981) (en banc)
- Day v. Avery, 548 F.2d 1018, 1023 n.16 (D.C. Cir. 1976)
- Hudnall v. Sellner, 800 F.2d 377, 385 (4th Cir. 1986)
- Scott v. United States, 190 F.2d 134, 137 (5th Cir. 1951)
- McCampbell v. Warrich Corp., 109 F.2d 115, 118 (7th Cir. 1940)
- Wilkerson v. Wilkerson, 161 So. 820, 823 (Ala. 1935)
- Cohen v. Home Life Ins. Co., 263 N.W. 857, 858 (Mich. 1935)
- Williams v. Pyles, 363 S.W.2d 675, 678 (Mo. 1963)

- Hodges v. Hodges, 435 P.2d 784, 788 (Mont. 1967)
- Hood v. Holding, 171 S.E. 633, 635 (N.C. 1933)
- McCaughey v. Lester, 278 P.2d 826, 828 (Okla. 1954)
- Denni v. Elliott, 60 Tex. 337, 340 (1883)
- Withrow v. Smithson, 17 S.E. 316, 316 (W. Va. 1893)
- Bechtold v. City of Rosemount, 104 F.3d 1062, 1068 (8th Cir. 1997)
- White v. American Airlines, Inc., 915 F.2d 1414, 1424 (10th Cir. 1990)
- Oubre v. District of Columbia Department of Employment Services, 630 A.2d 699, 703 (D.C. 1993)

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