

DISTRICT OF COLUMBIA COURT OF APPEALS

Wang v. 1624 U Street, Inc.

No. 20-CV-0324 (D.C. June 24, 2020) · No. 20-CV-0324 · Decided June 24, 2021

SUMMARY

The District of Columbia Court of Appeals reversed the dismissal of Guangsha Wang’s claims against 1624 U Street, Inc., involving alleged noise from a bar located below her condominium. The court held that neither res judicata nor collateral estoppel barred claims for breach of a settlement provision, private nuisance, and negligence because those claims were not litigated, could not have been litigated before the Alcoholic Beverage Control Board, or arose after the prior proceedings. The matter was remanded for further proceedings.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Deahl, Associate Judge; Easterly, Associate Judge; Fisher, Senior Judge
JURISDICTION	District of Columbia
DECIDED	June 24, 2021
DOCKET	20-CV-0324
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Wang appealed the Superior Court's dismissal of her complaint under Superior Court Civil Procedure Rule 12(b)(6) on the ground that res judicata and collateral estoppel barred her claims. The District of Columbia Court of Appeals vacated the dismissal and remanded.
STANDARD OF REVIEW	De novo review of a dismissal for failure to state a claim and of the application of res judicata and collateral estoppel.
PRECEDENTIAL VALUE	Published opinion of the District of Columbia Court of Appeals; precedential subject to formal revision.
PARTIES	Guangsha Wang v. 1624 U Street, Inc., et al.

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QUESTIONS PRESENTED

1. Whether res judicata barred Wang's breach-of-contract, private-nuisance, and negligence claims because they arose from the same general noise dispute involved in the prior administrative license-renewal proceeding.
2. Whether collateral estoppel barred Wang from litigating issues underlying her current claims based on the Board proceeding and the parties' settlement.
3. Whether the settlement agreement released or otherwise precluded Wang from pursuing civil actions for damages or a later breach of the agreement.

HOLDINGS

1. Res judicata did not bar Wang's claims because the claims in her Superior Court action were not the same claims adjudicated or capable of being adjudicated in the prior Alcoholic Beverage Control Board proceeding. The later breach-of-contract claim was not ripe during the Board proceeding, and the Board could not adjudicate Wang's tort claims for monetary damages.
2. Collateral estoppel did not bar Wang's claims because the issues underlying the claims were not actually litigated and determined by a valid final judgment on the merits in the Board proceeding. The parties settled before the Board adjudicated whether Chi Cha's noise levels adversely affected Wang.
3. The settlement agreement did not release or preclude Wang from pursuing civil actions for damages or a later breach-of-contract claim under paragraph six. Its release provision was limited to dismissal of and waiver of future protests before the Alcoholic Beverage Control Board.

KEY QUOTATIONS

“An administrative protest to the issuance of a license—even if grounded in a noise complaint—is not the same claim as a civil action for private nuisance or negligence for many reasons, not the least of which is that monetary damages are available in the civil suit alone.” (8)

“Preclusion is designed to limit a plaintiff to one bite at the apple, not to prevent even that single bite.” (13)

“settlement agreements ordinarily occasion no issue preclusion” (17)

FACTUAL BACKGROUND

Guangsha Wang owned a condominium unit above Chi Cha Lounge, a bar operated by 1624 U Street, Inc., and complained of excessive noise. During Chi Cha's alcohol-license renewal proceeding, Wang and Chi Cha entered into a settlement under which Chi Cha agreed to perform soundproofing work and respond reasonably to later noise complaints. After the Board accepted the settlement and renewed the license, Wang alleged that Chi Cha failed to respond adequately to later complaints and brought claims for breach of contract, private nuisance, and negligence.

PROCEDURAL HISTORY

Wang protested Chi Cha Lounge's alcohol-license renewal before the District of Columbia Alcoholic Beverage Control Board and entered into a settlement agreement with Chi Cha. After the Board approved the settlement and renewed the license, Wang unsuccessfully sought reconsideration and appealed, and the Court of Appeals affirmed in a memorandum opinion. Wang then filed a Superior Court action alleging breach of the settlement agreement, private nuisance, and negligence. The Superior Court dismissed the complaint, denied reconsideration and amendment, and Wang appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The dismissal order is vacated, and the matter is remanded for further proceedings consistent with the opinion. The court did not decide whether Wang's claims were otherwise viable under Rule 12(b)(6).

CASES CITED

- Wang v. District of Columbia Alcoholic Beverage Control Board, No. 18-AA-117, Mem. Op. & J. at 3-4 (D.C. Oct. 18, 2019)
- Kovach v. District of Columbia, 805 A.2d 957, 960 (D.C. 2002)
- Whiting v. Wells Fargo Bank, 230 A.3d 916, 926 (D.C. 2020)
- Calomiris v. Calomiris, 3 A.3d 1186, 1190 (D.C. 2010)
- Elwell v. Elwell, 947 A.2d 1136, 1139-40 (D.C. 2008)
- Patton v. Klein, 746 A.2d 866, 870 (D.C. 1999)
- Ortberg v. Goldman Sachs Group, 64 A.3d 158, 165-68 (D.C. 2013)
- Choharis v. State Farm Fire & Casualty Co., 961 A.2d 1080, 1089 (D.C. 2008)
- Hurd v. District of Columbia, 864 F.3d 671, 679 (D.C. Cir. 2017)
- Kovach v. District of Columbia, 805 A.2d 957, 961 (D.C. 2002)
- Molovinsky v. Monterey Cooperative, Inc., 689 A.2d 531, 533 (D.C. 1996)
- Osei-Kuffnor v. Argana, 618 A.2d 712, 715 (D.C. 1993)
- Shin v. Portals Confederation Corp., 728 A.2d 615, 618 (D.C. 1999)
- Davis v. Davis, 663 A.2d 499, 501 (D.C. 1995)
- Washington Medical Center v. Holle, 573 A.2d 1269, 1283 (D.C. 1990)
- Arizona v. California, 530 U.S. 392, 414 (2000)
- United States v. Spicer, 155 B.R. 795, 804 (Bankr. D.D.C. 1993)
- District of Columbia v. Group Insurance Administration, 633 A.2d 2, 20 (D.C. 1993)
- Dano Resource Recovery, Inc. v. District of Columbia, 566 A.2d 483, 485 (D.C. 1989)
- Shin v. Portals Confederation Corp., 728 A.2d 615, 620 (D.C. 1999)

- *Cromwell v. County of Sac*, 94 U.S. 351, 353 (1877)

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