

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Estate of Joseph P. Curseen; Celestine Curseen v. Buchanan  
Ingersoll, et al.

890 A.2d 191 (D.C. 2006) · No. 05-CV-277 · Decided January 12, 2006

SUMMARY

The District of Columbia Court of Appeals reversed the dismissal of a legal malpractice complaint arising from attorneys' representation of the estate and widow of Joseph P. Curseen. The court held that the complaint adequately pleaded duty, breach, causation, and damages under the minimal notice-pleading requirements of Superior Court Civil Rule 8(a), even though actual damages might depend on the outcome of other litigation. The case was remanded for further proceedings.

CASE DETAILS

|                       |                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | District of Columbia Court of Appeals                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Fisher, Associate Judge; Reid, Associate Judge; Newman, Senior Judge                                                                                                                                                                  |
| JURISDICTION          | District of Columbia                                                                                                                                                                                                                  |
| DECIDED               | January 12, 2006                                                                                                                                                                                                                      |
| DOCKET                | 05-CV-277                                                                                                                                                                                                                             |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Appellants appealed from the Superior Court's dismissal with prejudice of their legal-malpractice complaint under Super. Ct. Civ. R. 12(b)(6) for failure to state a claim.                                                           |
| STANDARD OF REVIEW    | De novo review of a Rule 12(b)(6) dismissal; the appellate court applies the same standard as the trial court, accepting the complaint's allegations as true and construing facts and reasonable inferences in the plaintiff's favor. |
| PRECEDENTIAL VALUE    | Published opinion; precedential value not otherwise specified in the provided text.                                                                                                                                                   |
| PARTIES               | Estate of Joseph P. Curseen, Jr., Celestine Curseen v. Buchanan Ingersoll, P.C., Steven Hilton                                                                                                                                        |

TOPICS

motions to dismiss

pleadings

professional negligence

standard of review

appellate procedure

## PRACTICE AREAS

civil procedure

legal malpractice

professional negligence

appellate procedure

## QUESTIONS PRESENTED

1. Whether the legal-malpractice complaint satisfied the pleading requirements of Super. Ct. Civ. R. 8(a).
2. Whether the Superior Court properly dismissed the complaint under Super. Ct. Civ. R. 12(b)(6) because the plaintiffs could not yet prove actual damages and causation.

## HOLDINGS

1. The complaint satisfied Rule 8(a) because it gave the defendants fair notice of the basis of the legal-malpractice claim and alleged a duty of care, breaches of that duty, causation, and injury.
2. A Rule 12(b)(6) motion tests the legal sufficiency of the complaint, not whether the plaintiff can presently prove the allegations; proof may be tested through summary judgment or trial.

## KEY QUOTATIONS

*"All that is required when we consider the sufficiency of the complaint is "a short and plain statement of the claim showing that the pleader is entitled to relief.""* (890 A.2d at 193)

*"The filing of a motion pursuant to Rule 12(b)(6) does not call upon the plaintiff to offer his proof."* (890 A.2d at 194)

*"Nevertheless, overcoming a Rule 12(b)(6) motion simply requires a sufficient pleading, not actual proof."* (890 A.2d at 194)

## FACTUAL BACKGROUND

Joseph P. Curseen, Jr., a postal employee at the Brentwood Mail Distribution Center, was exposed to anthrax spores that passed through the facility in October 2001 and later died. His widow and estate pursued claims concerning negligent medical care and the response of postal officials, and they retained Buchanan Ingersoll and Steven Hilton to provide legal assistance concerning the loss, probate, benefits, donations, and potential claims. After new counsel filed related litigation, the widow and estate sued the former attorneys for legal malpractice, alleging breach, causation, and damages.

## PROCEDURAL HISTORY

The estate and Celestine Curseen sued their former attorneys for legal malpractice arising from representation related to claims following Joseph Curseen's death. The Superior Court dismissed the complaint under Rule 12(b)(6), and the District of Columbia Court of Appeals reversed and remanded, holding that the complaint satisfied the minimum pleading requirements of Rule 8(a).

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The case was remanded to the Superior Court for further proceedings.

## CASES CITED

- Fraser v. Gottfried, 636 A.2d 430, 432 n. 5 (D.C. 1994)
- Johnson-El v. District of Columbia, 579 A.2d 163, 166 (D.C. 1990)
- Atkins v. Industrial Telecommunications Ass'n, 660 A.2d 885, 887 (D.C. 1995)
- O'Neil v. Bergan, 452 A.2d 337, 341 (D.C. 1982)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Sarete, Inc. v. 1344 U St. Ltd. P'ship, 871 A.2d 480, 497 (D.C. 2005)
- Vincent v. Anderson, 621 A.2d 367, 372 (D.C. 1993)
- Granville v. Hunt, 566 A.2d 65, 66 n. 1 (D.C. 1989)
- Okusami v. Psychiatric Inst. of Washington, 959 F.2d 1062, 1066 (D.C. Cir. 1992)
- Poole v. Lowe, 615 A.2d 589, 593 (D.C. 1992)
- Knight v. Furlow, 553 A.2d 1232, 1235 (D.C. 1989)
- Budd v. Nixen, 6 Cal. 3d 195, 98 Cal. Rptr. 849, 491 P.2d 433, 436 (1971)