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### DISTRICT OF COLUMBIA COURT OF APPEALS

#### ***Twombly/Iqbal Pleading Standards Apply in the District of Columbia***

*Mazza v. Housecraft*, 2011 D.C. App.  
LEXIS 215 (April 28, 2011).

#### **BACKGROUND**

In 2004, a contractor called Housecraft LLC ("Housecraft") and Mazza entered into a contract for the renovation of Mazza's property. Mazza failed to pay the total amount of the final invoice and Housecraft filed a mechanic's lien against the property. Housecraft also filed a complaint for the remaining balance on the invoice, \$36,757.76. Mazza disputed that he owed the amount claimed by Housecraft, filing a recoupment and counterclaim. The trial court awarded Housecraft a reduced award, which Mazza, in turn, failed to satisfy. As a result, the Clerk of the Superior Court issued a writ of *fieri facias* to enforce the mechanic's lien against Mazza's property.

In response, Mazza filed a complaint challenging the writ of *fieri facias*, alleging the mechanic's lien stemming from the contract could not be executed against property titled in his name alone because the underlying contract had only been signed by his wife. Housecraft filed a 12(b)(6) motion to dismiss which the court granted on *res judicata* grounds as the court had previously considered the existence and nature of the contract between Housecraft and Mazza. *Mazza*, 2011 D.C. App. LEXIS 215 at \*3. The Court dismissed Mazza's complaint with prejudice.

Mazza then filed a motion for leave to amend his complaint contending that *res judicata* did not apply to his complaint because his previous arguments to the trial court about the mechanic's lien dealt with Housecraft's procedural execution of the mechanic's lien. Additionally, Mazza argued that his complaint raised claims based on a "post-judgment event," i.e. the execution of the writ of *fieri facias*, such that *res judicata* should not attach to his claim. In the alternative, Mazza appealed the prior judgment because the judgment was "void or voidable for vagueness" and, as such, deprived him of due process.

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The trial court denied Mazza's motion because nothing in either the motion for leave to file an amended complaint or the alternative motion to appeal prior judgment caused the Court to set aside the dismissal. Mazza appealed.

**WHAT THE COURT HELD**

In the District of Columbia, Super. Ct. Civ. R. 8(a) is virtually identical to rule 8(a) of the Federal Rules of Civil Procedure. D.C. courts construe rules that are "substantially identical" to corresponding federal rules of civil procedure "in light of the meaning given to the federal rule." *Behradrezaee v. Dashtara*, 910 A.2d 349, 356 n.8 (D.C. 2006). Following from this, the D.C. Court of Appeals in *Mazza* adopted the pleading requirements set forth by the United States Supreme Court in *Ashcroft v. Iqbal* and *Bell Atlantic Corp. v. Twombly*. Thus, the District of Columbia now applies the U.S. Supreme Court's the two-prong test for determining if a motion is sufficiently pleaded to survive a motion to dismiss.

Prior opinions of the Court indicated that it was aware of the factual plausibility standard contained in the second prong of the aforementioned test, but that it had not yet decided whether the factual plausibility standard applied in D.C. The Court's opinion in this case established that the factual plausibility standard applies in the District of Columbia and thereby appears to set a higher threshold for a complaint to withstand a motion

to dismiss. To determine the whether a complaint is sufficient to survive a motion to dismiss, whether: 1) the complaint includes well-pleaded factual allegations as an initial matter, and 2) such allegations plausibly give rise to an entitlement for relief. Put another way, the Court found that "when there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief." *Mazza*, 2011 D.C. App. LEXIS 215 at \*9-10 (citing *Iqbal*, 129 S.Ct., at 1950).

In applying the *Twombly/Iqbal* two-part test, the Court found that the trial court was correct in dismissing Mazza's complaint on *res judicata* grounds. The Court also held that the trial court did not abuse its discretion by denying Mazza's motion for leave to amend his complaint or appeal the prior judgment. Affirmed.