

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

_____	)	
<b>ELHAM BEHZAD</b>	)	
<b>Plaintiff,</b>	)	<b>Case Number: 2021 CA 3365 B</b>
<b>v.</b>	)	
	)	
<b>THE CINCINNATI INSURANCE</b>	)	
<b>COMPANIES, et al.,</b>	)	<b>Judge Fern Flanagan Saddler</b>
<b>Defendants.</b>	)	
_____	)	

**ORDER DENYING DEFENDANT THE CINCINNATI INSURANCE  
COMPANIES A/K/A/ CINCINNATI INSURANCE’S OPPOSED MOTION  
TO DISMISS**

This matter is before the Court on Defendant The Cincinnati Insurance Companies a/k/a Cincinnati Insurance’s Opposed Motion to Dismiss, filed on November 12, 2021; and Plaintiff Elham Behzad’s opposition thereto, filed on November 17, 2021. In the motion, Defendant requests that the Court dismiss Count II (Uninsured Motorist “UIM” Claim and Contract Claim – Cincinnati Insurance) and Count III ((Uninsured Motorist “UIM” Claim and Contract Claim/Negligence – John Doe & Cincinnati Insurance) of Plaintiff’s Complaint, pursuant to District of Columbia Superior Court Rule of Civil Procedure 12(b)(6).

**LEGAL STANDARD**

Under District of Columbia Superior Court Rule of Civil Procedure 12(b)(6), a complaint may be dismissed if it fails to satisfy the pleading standard outlined in Rule 8(a). Specifically, a complaint should be dismissed if it fails to contain a “short

and plain statement of the claim showing that the pleader is entitled to relief.” *See Potomac Development Corporation v. District of Columbia*, 28 A.3d 531, 544 (D.C. 2011).

While Rule 8(a) does not require “detailed factual allegations,” it does require more than a mere “unadorned the-defendant-unlawfully-harmed-me accusation.” *See id.* (citations omitted) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). Essentially, “a complaint must set forth sufficient information to outline the legal elements of a viable claim for relief or to permit inferences to be drawn from the complaint that indicate that these elements exist.” *Williams v. District of Columbia*, 9 A.3d 484, 488 (D.C. 2010). When evaluating a motion to dismiss, the Court must construe the pleadings in the light most favorable to the party not seeking dismissal. *Atraqchi v. GUMC Unified Billing Services*, 788 A.2d 559, 562 (D.C. 2002).

### **THE COURT’S RULING**

In the instant matter, the Court finds that the allegations contained in Count II and Count III of Plaintiff’s Complaint are sufficient to satisfy the pleading standard of District of Columbia Superior Court Rule of Civil Procedure 8(a). Specifically, the Court finds that Count II and Count II of Plaintiff’s Complaint set forth sufficient factual allegations that, if found to be true, would entitle Plaintiff to relief. At this stage, the Court finds this matter should proceed, and that Defendant will have an opportunity to challenge the sufficiency of Plaintiff’s claims through an appropriate

motion once discovery is completed.

Accordingly, upon consideration of Defendant The Cincinnati Insurance Companies a/k/a Cincinnati Insurance's Opposed Motion to Dismiss; Plaintiff's opposition thereto; and the entire record herein, it is this 30th day of December 2021, hereby

**ORDERED** that Defendant The Cincinnati Insurance Companies a/k/a Cincinnati Insurance's Opposed Motion to Dismiss is **DENIED**.



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**FERN FLANAGAN SADDLER**  
**ASSOCIATE JUDGE**

**COPIES TO:**

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