

November 25, 2024

VIA FEDEX

Washington Metropolitan Area Transit Authority
300 7th Street, SW
Washington, DC 20024

Metro Office of Inspector General
Attn: OIG Administration
500 L'Enfant Plaza, SW, Suite 800
Washington, DC 20024

Re: *Forest Hill Apartments v. Washington Metropolitan Area Transit Authority*
NOTICE TO CEASE AND DESIST

To Whom It May Concern:

This Firm represents WH Forest Hill LLC, Quest Forest Hill LLC, and Forest Hill Investors LLC, the owners of the Forest Hill Apartments, located at 1439 Southern Avenue SE, Oxon Hill, Maryland 20745 (hereinafter, "**Forest Hill Apartments**") in connection with Washington Metropolitan Area Transit Authority (**WMATA**)'s unauthorized and tortious trespass and damages to Forest Hill Apartments' property (the "**Property**"). The purpose of this letter is to demand that WMATA **immediately cease and desist its tortious conduct**, by promptly stopping all trespass through the Forest Hill Apartments, rerouting its buses away from the Property, and compensating Forest Hill Apartments for the significant damages incurred as a direct result of WMATA's buses trespassing through the Property.

Specifically, without any easement or other right, WMATA has assigned its buses a route through the Property -- private property belonging to Forest Hill Apartments. Although Forest Hill Apartments did not initially object because the route benefited the residents of the Property, the heavy buses have been significantly impacting and damaging the asphalt road on the Property, but despite multiple conversations, WMATA has refused to repair the damages to the roads. Accordingly, permission to use the private road of the Forest Hill Apartments **is hereby revoked**, and WMATA must immediately **CEASE AND DESIST** from routing its buses through the Property.

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Forest Hill Apartments sincerely hopes that litigation will not be necessary, and the parties can amicably resolve this impasse -- created after WMATA has completely ignored Forest Hill Apartments' multiple requests to discuss this matter and address the damages on the Property directly caused by WMATA's buses. However, if necessary, Forest Hill Apartments is fully prepared to file a lawsuit to obtain an injunction and prevent WMATA from trespassing into its Property, and seek to recover the significant damages inflicted on the Property by WMATA.

Finally, demand is hereby made that you immediately place a litigation hold on paper documents and electronically stored information ("ESI") relating to any writings, communications, documentation or information of any nature whatsoever regarding WMATA's trespassing and routing its buses through the Forest Hill Apartments' Property. The obligation to preserve documents applies to all ESI and documents that exist in any format. ESI includes, but is not limited to, all emails, text messages, word processing documents, spreadsheets, databases, calendars, telephone logs, Internet usage files, and network access information located on any computer, disc, flash drive, or other devices, such as cellphones, tablets, and similar portable devices. Furthermore, ESI and the storage media on which they reside may contain relevant, discoverable information beyond what may be found in printed documents, including metadata. Therefore, even where a paper copy exists, data must be preserved in electronic format along with metadata and other information about those documents contained on the media.

Please understand that this letter does not constitute a complete statement of Forest Hill Apartments' rights and claims against WMATA in connection with this matter, and nothing contained herein shall be construed to constitute an express or implied waiver, modification, or limitation of any rights or remedies under the Agreement, at law, in equity, or otherwise, all of which Forest Hill Apartments expressly reserves.

I look forward to hearing from you promptly.

Sincerely,

s/ Elliott Engel

Elliott E. Engel

cc: Avi Bernstein