

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

**THE HUMANE SOCIETY OF THE  
UNITED STATES,**

**Plaintiff,**

**v.**

**ANDREW & SUZANNE COMPANY, INC.**  
**d/b/a ANDREW MARC, *et al.*,**

**Defendants.**

**Civil Action No.: 2008 CA 008285 B**

**Calendar No.: 5**

**Judge Natalia M. Combs Greene**

**Next Event: Scheduling Conference**  
**September 25, 2009**

**ORDER**

This matter is before the Court upon Defendants Saks Incorporated, The Neiman Marcus Group, Inc., Lord & Taylor, LLC, and Macy's, Inc Motion to Dismiss (the "Motion"), the Consolidated Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss (the "Opposition"), Plaintiff's Reply, and Plaintiff's Notice of Supplemental Authority. Upon consideration of the pleadings, the Motion is denied.

Defendants argue that Plaintiff lacks standing to bring an action pursuant to the Consumer Protection Procedures Act (the "CPPA"). On September 17, 2009, the Court of Appeals issued its decision in *Grayson v. AT&T Corp. et al*, No. 07-CV-264, slip op. (D.C.). In *Grayson*, the Court held:

...the 2000 Amendments to the CPPA permit Mr. Grayson to pursue his CPPA claim on behalf of himself and the general public regardless of whether he has experienced an injury in fact as a result of the appellees' trade practices. No. 07-CA 264 at 37.

The Court further held: "...the Council intended to eliminate the requirement that an individual . . . experience an injury prior to filing an unlawful trade practice claim under the CPPA." *Id.* at

38. It also noted that, as an Article I Court, the District of Columbia Superior Court “is not bound by the case and controversy requirement of Article III.” *See id.* at 39, fn 78.

Defendants, in their motion, argue that Plaintiff has not suffered an injury in fact and therefore lacks standing to bring an action under the CPPA. The Court, however, finds the decision in *Grayson* dispositive as to the issues raised in Defendants’ Motion. This Courts reads the decision in *Grayson* as eliminating the standing (injury in fact) requirement for claims brought under the CPPA.<sup>1</sup> Accordingly, it is this 23rd day of September, 2009, hereby

**ORDERED** that Defendants Saks Incorporated, The Neiman Marcus Group, Inc., Lord & Taylor, LLC, and Macy’s Inc.’s Motion to Dismiss is **DENIED**. The parties shall appear, as scheduled, on September 25, 2009 at 9:00 for the entry of a Scheduling Order.

**SO ORDERED.**

  
Natalia M. Combs Greene  
(Signed in Chambers)

Copies to:

John Heintz, Esq.  
Barbara A. Miller, Esq.  
Kelley, Drye & Warren LLP  
3050 K Street, NW  
Suite 400  
Washington, DC 20007  
Electronic Service through CaseFileXpress  
*Attorneys for Defendants Saks Incorporated, The Neiman Marcus Group, Inc., Dillard’s, Inc., Lord & Taylor, LLC, and Macy’s, Inc.*

Richard J. Leighton, Esq.

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<sup>1</sup> The Court recognizes that Appellant in *Grayson* was an individual not an organization as is the Plaintiff in this matter. The CPPA, however, makes no distinction distinguish between individuals and organizations (such as Plaintiff) which may bring suit on behalf of its members. D.C. Code § 28-3901 (a) (1) (2003).

Douglas J. Behr, Esq.  
Hesham M. Sharawy, Esq.  
Keller and Heckman, LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
Electronic Service through CaseFileXpress  
*Attorneys for Defendant Andrew & Suzanne Company, Inc. d/b/a Andrew Marc*

Rebecca Judd, Esq.  
Jonathon Lovvorn, Esq.  
Ralph Henry, Esq.  
The Humane Society of the United States  
2100 L Street, NW  
Washington, DC 20037  
Electronic Service through CaseFileXpress  
*Attorneys for Plaintiff The Humane Society of the United States*