

# **Exhibit 170**

**To:** Evans, Jack (COUNCIL)[JACKEVANS@DCCOUNCIL.US]  
**Cc:** Werner, Ruth (COUNCIL)[RWerner@DCCOUNCIL.US]; Racine, Karl (OAG)[karl.racine@dc.gov]; Ludaway, Natalie (OAG)[natalie.ludaway@dc.gov]  
**From:** Pittman, James (OAG)  
**Sent:** Mon 11/28/2016 11:37:19 PM (UTC)  
**Subject:** Possible Sign Emergency for 12/6  
[DIGI MEDIA KIT DC \(1\).pdf](#)

The Honorable Jack Evans  
Councilmember, Ward 2

Dear Councilmember Evans:

Per my earlier conversation with Ruth, I am forwarding to you a summary of the District's concerns with signs installed by Digi Media. It has come to OAG's attention that the Council may consider emergency legislation to retroactively approve Digi Media's signs despite OAG's current litigation and DCRA sanctions. While OAG does not see an emergency situation presented here, we respect that an emergency designation is a matter for the Council to decide. However, we have significant concerns with this legislation and respectfully request that it not be moved.

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Summary of Digi Media litigation:

This past summer, Digi Media ("Digi") began installing large-format digital signs throughout the District, despite having no sign permits to do so and in violation of the District's subsequent orders to stop. Once DCRA learned of Digi's signs, DCRA issued no fewer than 15 Stop Work Orders and Correction Orders, yet Digi continued to install its large-format digital signs, ignoring DCRA's orders. Because Digi continued to defy the District's regulations and DCRA's regulatory and enforcement authority, on August 31, 2016, the Attorney General brought suit in Superior Court under D.C. Code § 6-1407 to obtain a court order to force Digi to stop. Digi aggressively opposed the District's efforts over the course of numerous filings and five hearings before the Court. On November 10, 2016, the Court granted the District's motion and issued a Preliminary Injunction Order, prohibiting Digi from putting up any more signs until final resolution of the case on the merits, but declined to order removal of the signs until final resolution. In its Order, the Court noted: "DCRA is an important agency in the District, charged with protecting the health, safety, economic interests, and quality of life of District residents. The public interest is served by upholding DCRA's enforcement and regulatory authority and in ensuring that entities like Digi operating in the District comply fully with the District's Construction Codes and DCRA orders. Like any resident of the District wishing to engage in construction work, the onus was on Digi to communicate with DCRA directly regarding DCRA's permitting requirements. Digi failed to do so, possibly at its peril." The case is currently in the discovery phase.

As outlined in its media kit (attached), Digi plans to install over 50 signs in 20 locations in the District. As part of the litigation, the District is seeking removal of the large-format digital signs Digi has already installed at the following locations:

5335 Wisconsin Ave. NW (Chevy Chase Pavilion mall, corner of Wisconsin and Western)

1350 Connecticut Ave. NW (breezeway next to Krispy Kreme)

111 Massachusetts Ave. NW (along New Jersey, Massachusetts, and 2nd St. frontages)

1101 Vermont Ave. NW (corner of 14th and L St.)

4301 Connecticut Ave. NW (next to CVS entrance)

1200 New Hampshire Ave. NW (corner of New Hampshire and M St., above Mei Wah restaurant)

2850 New York Ave. NE (rooftop of old Washington Times building)

64 New York Ave. NE (street level along Florida Ave. and 1st St.)

Regards,

James Pittman

James A. Pittman

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