

VIRGINIA:

IN THE FAIRFAX CIRCUIT COURT

CLERK OF THE CIRCUIT COURT  
FAIRFAX COUNTY, VIRGINIA

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WILLIAMSBURG SQUARE FAMILY  
PRACTICE, P.C.  
9500 Richmond Highway  
Lorton, Virginia 22079,

Plaintiff,

v.

Case No. 2010 - 9145

FATOS N. MUTLU REVOCABLE TRUST

[Redacted]

EROL MUTLU, DENIZ MUTLU, AND  
ZEYNEP MUTLU SCHWEGLER, IN THEIR  
CAPACITY AS TRUSTEES OF THE FATOS  
N. MUTLU REVOCABLE TRUST

[Redacted]

MUTLU PROPERTY MANAGEMENT

[Redacted]

EROL MUTLU, IN HIS INDIVIDUAL  
CAPACITY

[Redacted]

DENIZ MUTLU, IN HIS INDIVIDUAL  
CAPACITY

[Redacted]

and

ZEYNEP MUTLU SCHWEGLER, IN HER  
INDIVIDUAL CAPACITY

[Redacted]

Defendants.

## **COMPLAINT**

Plaintiff, Williamsburg Square Family Practice, P.C. (“WSFP”), by counsel, as and for its Complaint against Defendants Fatos N. Mutlu Revocable Trust (“Mutlu Trust”); Erol Mutlu, Deniz Mutlu, and Zeynep Mutlu Schwegler, as Trustees of the Fatos N. Mutlu Revocable Trust (“Trustees”); Mutlu Property Mangement; and Erol Mutlu, Deniz Mutlu, and Zeynep Mutlu Schwegler, in their individual capacities, alleges as follows:

### **Introduction**

1. This is an action to establish the disputed ownership of a meteorite, which crashed into Plaintiff’s medical offices. Plaintiff, through its shareholders, concerned about the wellbeing of the historic artifact, took possession of the meteorite and delivered it to the Smithsonian Institution’s Museum of Natural History (the “Smithsonian”) with the intent to donate it to that institution. Defendants, as Plaintiff’s landlord, thereafter claimed ownership and demanded the return of the meteorite. Plaintiff brings this suit so that this Court can establish proper title to the meteorite, which remains in the custody of the Smithsonian pending this Court’s decision.

### **The Parties**

2. Plaintiff WSFP is a professional corporation of family practice physicians incorporated in the state of Virginia. The shareholders of WSFP are Dr. Frank P. Ciampi and Dr. Marc R. Gallini. WSFP has operated as a professional corporation in Lorton, Virginia since 2001.

3. Defendant Fatos N. Mutlu Revocable Trust is a trust that, on information and belief, resides in Laytonsville, Maryland.

4. On information and belief, Defendants Erol Mutlu, Deniz Mutlu and Zeynep Mutlu Schwegler are Trustees of the Fatos N. Mutlu Revocable Trust, who, on information and belief, reside in [REDACTED]. The Trustees are sued in their fiduciary capacity.

5. Mutlu Property Management, on information and belief, is a resident of Laytonsville, Maryland. Although, on information and belief, Erol Mutlu, Deniz Mutlu and/or Zeynep Mutlu Schwegler conducts business as Mutlu Property Management in Fairfax County, Virginia, there is no corporate registration or fictitious name certificate filed under that name with the Virginia State Corporation Commission or the Clerk of the Fairfax County Circuit Court.

6. Erol Mutlu, on information and belief, is a resident of [REDACTED].

7. Deniz Mutlu, on information and belief, is a resident of [REDACTED].

8. Zeynep Mutlu Schwegler, on information and belief, is a resident of [REDACTED].

#### **Jurisdiction, Venue, and Service**

9. This Court has personal jurisdiction over Defendants pursuant to Va. Code Ann. § 8.01-328.1.

10. This Court has subject matter jurisdiction over the claims stated herein pursuant to Va. Code Ann. § 8.01-184 and Va. Code Ann. § 17.1-513.

11. Venue is proper in this Court pursuant to Va. Code Ann. § 8.01-185 and Va. Code Ann. § 8.01-262.

12. This Complaint will be served on Defendant Deniz Mutlu according to Va. Code Ann. § 8.01-286.1, and on all other non-resident Defendants according to Va. Code Ann. § 8.01-329.

### Facts

13. WSFP leases an office suite (the "Suite") in the Williamsburg Square Convenience Center, located at 9500 Richmond Highway in Lorton, Virginia (the "Building").

14. The Building is owned, on information and belief, by the Trustees of the Mutlu Trust.

15. On information and belief, the Building is operated by Mutlu Property Management, which is listed as Landlord on the Lease of WSFP. A copy of the Lease is attached hereto as Exhibit A.

16. On January 18, 2010, at approximately 5:45 p.m., a palm-sized meteorite crashed through the roof of the Building.

17. The meteorite left a hole in the ceiling and came to rest in pieces on the floor in an examination room in the Suite leased by WSFP.

18. Fortunately, no one was in the examination room when the meteorite landed, and there were no injuries.

19. On or about January 19, 2010, Doctors Ciampi and Gallini of WSFP advised Erol Mutlu of the event. Erol Mutlu agreed with the doctors' expressed plan to donate the meteorite to the Smithsonian.

20. On January 20, 2010, WSFP, through a news reporter, transferred physical possession of the meteorite to the Smithsonian for safekeeping pending the completion of paperwork necessary for WSFP to make its intended donation.

21. The Smithsonian is an institution committed to the preservation and study of meteorites, and WSFP intends for the Smithsonian to own the meteorite so that it may study and appropriately preserve it.

22. The Smithsonian took possession of the meteorite and offered WSFP \$5,000, but no payment has been made.

23. The Smithsonian will comply with WSFP's wishes and accept a donation of the meteorite from WSFP if this or any other Court deems WSFP the meteorite's rightful owner. *See* Letter from Smithsonian to counsel for Defendants, attached hereto as Exhibit B.

24. Doctors Ciampi and Gallini intend to donate any funds received from the Smithsonian to the Haitian relief effort of Doctors Without Borders.

25. After the transfer of possession to the Smithsonian, and after the incident garnered local publicity, Erol Mutlu informed WSFP that the Building owners may claim ownership of the meteorite.

26. By electronic mail dated January 28, 2010, Erol Mutlu informed Linda Welzenbach at the Smithsonian that Deniz Mutlu wished to retrieve the meteorite from the Smithsonian that day.

27. On January 28, 2010, Ms. Welzenbach informed WSFP that Deniz Mutlu intended to pick up the meteorite.

28. Also on January 28, 2010, counsel for WSFP advised the Smithsonian that WSFP objected to any release of the meteorite to the Defendants.

29. The parties have tried, without success, to resolve the dispute over the meteorite's ownership.

30. The meteorite currently remains at the Smithsonian, which has agreed to hold it until the dispute between the parties is resolved. See Exhibit B.

**COUNT I**  
**(Request for Declaratory Judgment)**

31. WSFP hereby realleges and incorporates the allegations of Paragraphs 1 through 30 above as if fully set forth herein.

32. An actual controversy exists between the parties.

33. As a leasehold tenant, WSFP has a current possessory ownership estate in the Suite, and is in exclusive possession of that property during its lease term.

34. The meteorite did not imbed itself in the land or Building, and thus did not become a part of the land or a fixture.

35. The doctors at WSFP, lawfully with the exclusive right to occupy the premises, were the first to take possession and control of the meteorite.

36. Although WSFP is the rightful owner of the meteorite, Defendants have forced it to expend time and resources defending its ownership rights and filing this suit.

WHEREFORE, Plaintiff is entitled to a declaration that it is the rightful owner of the meteorite, and also to costs, attorneys' fees, and other relief from Defendants as this Court deems just and proper.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff WSFP respectfully requests that this Court:

1. Enter a declaratory judgment establishing ownership of the meteorite in its favor as against Defendants and all other parties;

2. Award Plaintiff all costs and expenses, including court costs and reasonable attorneys' fees and expenses, incurred in establishing and enforcing its property rights in the meteorite; and


3. Award it such other and further relief as may be appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, pursuant to Virginia Rule 3:21 and Va. Code Ann. § 8.01-188, demands a trial by jury on all issues so triable.

DATED: June 25, 2010

Respectfully submitted,



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