

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 26,197

Ward Eight (8)

In re: 4297 6th Street, S.E., Units 201 & 202
4291 6th Street, S.E., Unit 301
4285 6th Street, S.E., Unit 202
4283 6th Street, S.E., Unit 201
4287 6th Street, S.E., Unit 102
4248 6th Street, S.E., Unit 102

URNA WALKER, et al
Tenants/Appellants/Cross Appellees

v.

CASCADE PARK APARTMENTS
Housing Provider/Appellee/Cross Appellant

**ORDER ON CONSENT MOTION TO EXTEND TIME TO FILE BRIEFS IN
SUPPORT OF APPEALS**

February 20, 2003

BANKS, CHAIRPERSON. The Office of Adjudication issued the decision and order on September 30, 2002. On November 19, 2002, the Housing Provider filed a notice of appeal, and on November 20, 2002, the Tenants filed a notice of appeal.¹ On January 27, 2003, the Commission issued to the parties the notice of its scheduled hearing on April 8, 2003. The deadline for the Tenants/Appellants/Housing Provider/Cross Appellant briefs expired on February 6, 2003. However, before that date, on January 31, 2003, counsel for the Tenants filed the instant consent motion for extension of time to file briefs out of time, because counsel for both parties planned to attempt negotiations for

¹ The Tenant's notice of appeal and notice of appearance, included only the last name of the appellant, Urna Walker. This violates the rule that the caption will remain as determined by the Rent Administrator, except the designation of appellant and appellee, unless changed by the Commission. 14 DCMR 3809 (1991).

settlement. In addition, a new student attorney was assigned to represent the Tenants, and she needs more time to familiarize herself with the appeal. Therefore, the counsel requested the new deadline of February 26, 2003 for the filing of briefs.

A. The Law on Continuances

The Commission's rules provide: "Parties may file briefs in support of their position within five (5) days of receipt of notification that the record in the matter has been certified," 14 DCMR § 3802.7 (1991). "Parties may file responsive briefs within ten (10) days of service of the pleading to which the response is being filed," 14 DCMR § 3802.8 (1991). "There shall be no reply to a responsive brief and the Commission shall not accept the brief if submitted," 14 DCMR § 3802.9 (1991). In addition:

Any party may move to request a continuance of any scheduled hearing or for extension of time to file a pleading, other than a notice of appeal, or leave to amend a pleading if the motion is served on opposing parties and the Commission at least five (5) days before the hearing or the due date; however, in the event of extraordinary circumstances, the time limit may be shortened by the Commission.

14 DCMR § 3815.1 (1991).

Motions shall set forth good cause for the relief requested.

14 DCMR § 3815.2 (1991).

B. The Analysis

In the instant appeal, the motion to file briefs out of time was timely submitted before the Commission's hearing and four business days before the briefs were due on February 6, 2003. Both counsel agreed to the motion for extension of time to file the briefs. The extension of time to file briefs does not delay the Commission's hearing scheduled for April 8, 2003. There are no record facts that show prejudice to either party. The parties consent motion showed good cause for the extension of time to file

briefs out of time based on the potential for settlement. Settlement of litigation is to be encouraged. See Proctor v. District of Columbia Rental Hous. Comm'n, 484 A.2d 542 (D.C. 1984). Accordingly, the motion is Granted.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the **Order on Consent Motion to Extend Time to File Briefs in Support of Appeal** in TP 26,197 was served by priority mail, with delivery confirmation, postage prepaid, this 20th day of February, 2003, to:

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