

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,733

In re: 308 Oglethorpe Street, N.E.

Ward Four (4)

SUMAYYA I. LANE
Tenant/Appellant

v.

NETTIE NICHOLE
Housing Provider/Appellee

ORDER DENYING MOTION FOR PRODUCTION OF DOCUMENTS

April 15, 2004

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (1991) govern the proceedings.

I. THE PROCEDURES

On January 24, 2003, Sumayya I. Lane, Tenant, filed Tenant Petition (TP) 27,733. On July 15, 2003, the Rent Administrator issued the decision and order. On August 13, 2003, the Tenant filed a notice of appeal from the Rent Administrator's decision and order. The Commission held its appellate hearing on December 2, 2003. On April 5, 2003, the Tenant filed a motion to provide documents and evidence in this pending

appeal to Housing Regulation Administration on or before April 12, 2004, when a hearing was scheduled in another case. No opposition was filed to the motion.

II. THE COMMISSION'S ORDER

The motion for production of documents from the case files in TP 27,733 is denied for the following reasons.

First, the Commission's rules on motions require that the opposing party, the Housing Provider, have five business days plus three business days for mailing the motion, for a total of eight business days to respond to the motion. See 14 DCMR §§ 3814; 3816 (1991). By filing the motion on April 5, 2004, the Tenant did not allow the eight business days prior to the hearing scheduled for April 12, 2004 for allowance of time for the opposition to her motion. The eight business days expired on April 15, 2004.

Second, the Tenant did not seek a shorter period of time for the opposition and the Commission's order, as she could have pursuant to 14 DCMR § 3815.1-2 (1991), which state:

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.

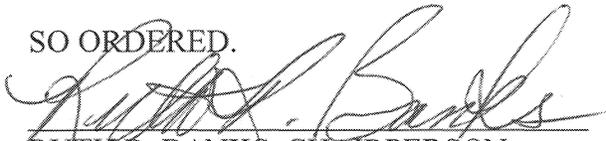
Motions shall set forth good cause for the relief requested.

See Thompson v. Ziska, TP 27,789 (RHC Sept. 26, 2003) (where the Commission cited to 14 DCMR §§ 3815 & 3816 (1991) and stated the Commission could not issue an order before the hearing, because the time for the Housing Provider's counsel to oppose had not expired.) That is the identical circumstance in this appeal. The Tenant

represented that the hearing in the other case pending before the Rent Administrator was on April 12, 2004, however, the period for the Housing Provider to file an opposition to the motion expired after that date on April 15, 2004.

Third, the Tenant's motion for production of documents (evidence) was unnecessary. The Tenant could simply have appeared in the Commission, made a request, and paid for copies of the documents (evidence) she desired to be copied from the record in this appeal for the other hearing. On April 12, 2004, she could have taken those documents to the hearing herself. Therefore, the motion did not set forth "good cause for the relief requested," as required by 14 DCMR § 3815.2 (1991). Accordingly, the motion is denied.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER DENYING MOTION FOR PRODUCTION OF DOCUMENTS in TP 27,733 was mailed by priority mail, with confirmation of delivery, postage prepaid this 15th day of April, 2004, to:

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