DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28, 013

In re: 4100 Massachusetts Avenue, N.W., Unit 1319

Ward Three (3)

RUSSELL LEE
Tenant/Appellant

v.

DEBORAH PITONYAK
Housing Provider/Appellee

ORDER ON MOTION FOR CONTINUANCE

July 29, 2004

YOUNG, COMMISSIONER. This case is before the Commission on the tenant's notice of appeal. The Commission scheduled the hearing on the appeal for August 3, 2004. On July 28, 2004, the tenant's attorney filed a motion for continuance. The cause of the request for continuance is a conflict with a criminal trial scheduled in the Circuit Court of Prince William County, Virginia, for the same day as the Commission's scheduled hearing. Counsel for the tenant has been subpoenaed to appear as a witness. Continuances are governed by the Commission's regulations, 14 DCMR § 3815.1-3 (1991). They 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.
>
> Conflicting engagements of counsel, absence of counsel, or the employment of new counsel shall not be regarded as good cause for continuance unless set forth promptly after notice of the hearing has been given.

In this case the tenant's counsel did not comply with the Commission's rules by moving to request a continuance of the hearing five (5) business days before the scheduled hearing on August 3, 2004. However, the tenant's motion set forth good cause for the continuance due to the conflict with the trial date of a previously scheduled trial wherein counsel for the tenant is required to appear as a witness. Based on the extraordinary circumstances, the Commission shortened the time limit for filing the motion for continuance.

The Commission's staff contacted the attorneys for the parties for a mutually agreed date for the rescheduled hearing. Accordingly, the motion for a continuance is granted. The rescheduled hearing date is Thursday, August 26, 2004, at 2:00 p.m.

SO ORDERED.

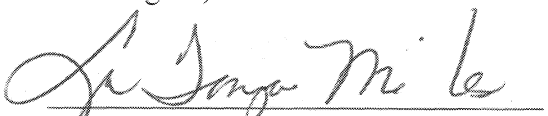
RONALD A. YOUNG, COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion for Continuance was mailed postage prepaid by priority mail, with delivery confirmation on this **29th day of July 2004** to:

Melissa S. Pilito, Esquire
9200 Basil Court
Suite 300
Largo, MD 20774

Clarrisa Thomas, Esquire
The Law Offices of Clarrisa Thomas
403-405 8th Street, N.E.
Washington, D.C. 20002



LaTonya Miles
Contact Representative
(202) 442-8949