DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,151

In re: 2514 – 4th Street, N.E. Unit 103

Ward Five (5)

WASHINGTON COMMUNITIES
Housing Provider/Appellant

v.

JESSIE JOYNER
Tenant/Appellee

ORDER ON CONSENT MOTION FOR CONTINUANCE

December 12, 2005

YOUNG, COMMISSIONER. This case is before the Commission on the housing provider's notice of appeal. The Commission scheduled the hearing on the appeal for Tuesday, December 13, 2005. On Friday, December 9, 2005, counsel for the housing provider, Joshua Greenberg, and counsel for the tenant, Scott Watkins, filed a joint Consent Motion for Continuance. The motion stated in relevant part:

> 2. At this juncture, the representation of [Mr.] Joyner is in flux. On December 7, 2005, Washington [Communities] received the Commission's Order denying the Motion to Withdraw filed by Gary D. Saltsman, Esq., counsel for Joyner during the early stages of this appeal. Scott Watkins, Esq., has represented that he was formally engaged by Mr. Joyner on December 7, 2005, and a corresponding Notice of Appearance was filed today [December 7, 2005] to that effect.
>
> 3. Mr. Watkins' ability to educate himself on the matter is severely restricted. Joyner is an approximately 74-year old man, who is currently suffering from a serious medical condition, which has caused him to be placed in a medical facility in Southeast, Washington, D.C. Joyner is believed to have suffered a stroke, hampering communications between Joyner and his recently added counsel.

4. Of significance, Joyner and Washington [Communities], through counsel, have engaged in discussion regarding a settlement of this matter, and it is in the interests of justice and judicial, economy to continue the hearing set for December 13, 2005, to allow the parties to further explore a resolution of this matter.

5. A continuance to allow the issue of Joyner's representation to be determined, to allow the parties to engage in meaningful settlement discussions, to allow new counsel to educate himself on the matter, to resolve the status of representation and to allow Joyner to fully reply to Washington [Communities] brief will not operate an undue burden or unfairly prejudice either of the parties involved in this matter.

Consent Motion for Continuance at 2.

Continuances are governed by the Commission's regulation, 14 DCMR § 3815.1 (2004). The regulation states:

> 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.

The regulations, 14 DCMR § 3815.2 (2004), further provide: "Motions shall set forth good cause for the relief requested."

The joint motion contained information regarding the parties engaging in an attempt to settle this matter before a hearing is held, as one of the reasons for the request for continuance of the scheduled hearing. The court's decisions have expressed encouragement for out-of-court settlement of disputes. See Pyne v. Jamaica Nutrition Holdings, Ltd., 497 A.2d 118 (D.C. 1985).

The Commission, pursuant to its regulation, 14 DCMR § 3815.2 (2004), determined that the tenant and housing provider showed good cause for the continuance

of the hearing. Therefore, in accordance with 14 DCMR § 3815 (2004), the Commission shortens the time limit and grants the joint motion for continuance.

The parties have mutually agreed that the rescheduled hearing date in TP 28,151 is Tuesday, February 21, 2006, at 2:00 p.m., at 941 North Capitol Street, N.E., Suite 9200. No further Notice of Hearing will be provided.

SO ORDERED.

RONALD A. YOUNG, COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Consent Motion for Continuance in TP 28,151 was sent by priority mail, with confirmation of delivery, postage prepaid, on this **12th day of December, 2005** to:

Scott Watkins, Esquire
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Joshua Greenberg, Esquire
Greenstein DeLorme & Luchs, P.C.
1620 L Street, N.W.
Suite 900
Washington, D.C. 20036

Gary Saltsman, Esquire
4000 Cathedral Avenue, N.W.
Suite 319
Washington, D.C. 20016

LaTonya Miles
Contact Representative
(202) 442-8949