

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

941 North Capitol Street, N.E., Suite 9100
Washington, D.C. 20002
TEL: (202) 442-8167
FAX: (202) 442-9451

DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2009 APR - 8 A 11: 48

DELORES MOULDEN, STEPHANIE
STAMPS-BEY, AND JACQUELINE ELMORE
Tenants/Petitioners,

v.

HOME REALTY, INC.
Housing Provider/Respondent.

Case No.: RH-TP-08-29238
In re: 316 62nd Street, N.E.

FINAL ORDER

On March 28, 2008, Petitioners Delores Moulden (“Moulden”), Stephanie Stamps-Bey (“Stamps-Bey”), and Jacqueline Elmore (“Elmore”) filed a tenant petition with the Rental Accommodations Division of the Department of Housing and Community Development alleging that Respondent Home Realty, Inc. violated the Rental Housing Act of 1985 with respect to their separate housing accommodations at 316 62nd Street, N.E.: namely, Apts. 302, 201, and 202, respectively. Petitioners alleged that services and/or facilities provided as part of rent and/or tenancy have been substantially reduced, and that Respondent Home Realty, Inc. was the owner/property manager of the housing accommodations.

At the hearing on September 22, 2008, Petitioners’ attorney appeared, along with Petitioners Moulden and Stamps-Bey. Respondent’s attorney also appeared.

Respondent and Petitioners Moulden and Stamps-Bey entered into a settlement (the “Settling Parties”), and they filed a Blank Submission form which stated the settlement terms. The Settling Parties then moved for a continuance to allow sufficient time for the settlement to

be finalized, after which a stipulation for dismissal with prejudice would be filed. Petitioner Elmore, who was not a party to the settlement, presented no evidence in support of her claims, however, and Respondent moved to dismiss her claims.

By Order dated September 24, 2008, Respondent's motion was granted and the claims of Petitioner Elmore were dismissed with prejudice. The Order provided that the dismissal of Petitioner Elmore's claim would become final and appealable upon issuance of the Final Order in the case. The Order further provided for a continuance for the Settling Parties, and required these parties to file within sixty (60) days a stipulation for dismissal with prejudice of the claims of Petitioners Moulden and Stamps-Bey, unless the time was extended for good cause by this administrative court upon a motion by the parties within the 60 day period.

More than 60 days had elapsed, and the parties had not filed the required stipulation for dismissal with prejudice. Accordingly, by Order dated March 20, 2009, the Settling Parties were ordered within ten (10) days of the date of the Order to file a stipulation of dismissal with prejudice of the claims of Petitioners Moulden and Stamps-Bey. More than ten (10) days have elapsed, and the required stipulation of dismissal has not been filed.

OAH Rule 2818.1 provides:

For failure of the petitioner to prosecute or to comply with these Rules or any order of this administrative court . . . the presiding Administrative Law Judge may order . . . dismissal [of the case] on his or her own motion. Subject to the limitations of Section 2818.2, and unless otherwise specified, a dismissal under this Section, other than a dismissal for lack of jurisdiction, constitutes an adjudication on the merits.

The unexplained failure of Petitioners Moulden and Stamps-Bey, by their attorney, to comply with the Orders dated September 24, 2008, and March 20, 2009, was both a clear "failure

. . . to prosecute” this case and clear non-compliance with the orders of this administrative court. For these reasons, the tenant petition on behalf of Moulden and Stamps-Bey will be dismissed pursuant to OAH Rule 2818.1. Regarding Petitioner Elmore, the prior dismissal of her claims will now become final and subject to appeal.

Therefore, it is this 7th day of April 2009:

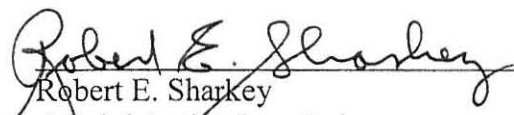
ORDERED, that pursuant to the Order dated September 24, 2008, the claims of Petitioner **JACQUELINE ELMORE** are hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that the claims of Petitioners **DELORES MOULDEN and STEPANIE STAMPS-BEY** are hereby **DISMISSED WITH PREJUDICE**; and it

is further

ORDERED, that pursuant to OAH Rule 2818.2, this Order shall not take effect until fourteen (14) days after the date of its mailing, and shall be vacated upon the granting of a motion filed within such fourteen (14) day period showing good cause why the case should not be dismissed; and it is further

ORDERED, that the appeal rights of any person aggrieved by this Order are stated below.


Robert E. Sharkey
Administrative Law Judge

Certificate of Service:

**By Priority Mail with Delivery
Confirmation (Postage Paid):**

Richard J. Bianco, Esquire
1020 16th Street, N.W., 8th Floor
Washington, DC 20036
Attorneys for Petitioners

Brian Riger, Esquire
6001 Montrose Road, #701
Bethesda, MD 20852
Attorney for Respondent

I hereby certify that on
4-8, 2009 this document
was caused to be served upon the above-
named parties at the addresses and by
the means stated.

Beneddta Rhames
Clerk / Deputy Clerk

By Inter-Agency Mail:

District of Columbia Rental Housing
Commission
941 North Capitol Street, NE, Suite 9200
Washington, DC 20002

Keith Anderson
Acting Rent Administrator
Rental Accommodations Division
Department of Housing and Community
Development
1800 Martin Luther King Jr. Ave., SE
Washington, DC 20020