

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
941 North Capitol Street, NE, Suite 9100
Washington, DC 20002

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OFFICE OF
ADMINISTRATIVE HEARINGS

2009 MAR 11 P 12:17

ALLAN G. ASSARSSON,
Tenant/Petitioner,

v.

DELFA VAZANAUGH,
Housing Provider/Respondent.

Case No.: RH-TP-08-29465
In re 4455 Q Street, NW

FINAL ORDER

On March 9, 2009, Tenant/Petitioner filed a Praecipe of Dismissal, stating that the matter, scheduled for hearing on March 10, 2009, had settled. Through counsel, Petitioner asks for dismissal with prejudice.

Under the rules of this administrative court, a voluntary dismissal is ordinarily without prejudice unless a stipulation is signed by all the parties. OAH Rules 2817.3 and 2817.4. Although Housing Provider/Respondent did not sign the Praecipe, "nothing in this rule shall preclude the presiding Administrative Law Judge from ordering that a dismissal shall be with prejudice in order to prevent unfair prejudice, inequity, or undue delay." OAH Rule 2817.6. The Praecipe filed by counsel stating the case had settled supports granting Petitioner's request to dismiss the case with prejudice, thereby bringing finality to the parties' dispute and preventing inequity and delay.

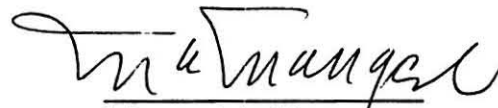
Therefore, it is this 11th day of March, 2009:

ORDERED, that the evidentiary hearing scheduled for March 10, 2009, is **CANCELLED**, *nunc pro tunc*; and it is further

ORDERED, that Tenant/Petitioner's Motion for Voluntary Dismissal is **GRANTED**; and it is further

ORDERED, that Case No. RH-TP-08-29465 is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that the reconsideration and appeal rights of any party aggrieved by this Order are set forth below.


Margaret A. Mangan
Administrative Law Judge

CERTIFICATE OF SERVICE

By Priority Mail with Delivery Confirmation (Postage Paid):

Lydia Auzoux, Esquire
Jason .A. Pardo, Esquire
Jackson & Campbell, PC
1120 20th Street, NW, South Tower
Washington, DC 20036

John E. Arness, II, Esquire
4725 Wisconsin Avenue, NW
Suite 250
Washington, DC 20016

I hereby certify that on 3-11, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.


Clerk / Deputy Clerk

MOTIONS FOR RECONSIDERATION

Any party served with a final order may file a motion for reconsideration within ten (10) days of service of the final order in accordance with 1 DCMR 2937. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2811.5.

A motion for reconsideration shall be granted only if there has been an intervening change in the law; if new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration; if there is a clear error of law in the final order; if the final order contains typographical, numerical, or technical errors; or if a party shows that there was a good reason for not attending the hearing.

The Administrative Law Judge has thirty (30) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 30 days have passed, the motion is automatically denied and the 10 day period for filing an appeal to the Rental Housing Commission begins to run.

APPEAL RIGHTS

Pursuant to D.C. Official Code §§ 2-1831.16(b) and 42-3502.16(h), any party aggrieved by a Final Order issued by the Office of Administrative Hearings may appeal the Final Order to the District of Columbia Rental Housing Commission within ten (10) business days after service of the final order, in accordance with the Commission's rule, 14 DCMR 3802. If the Final Order is served on the parties by mail, an additional three (3) days shall be allowed, in accordance with 14 DCMR 3802.2.

Additional important information about appeals to the Rental Housing Commission may be found in the Commission's rules, 14 DCMR 3800 et seq., or you may contact the Commission at the following address:

District of Columbia Rental Housing Commission
941 North Capitol Street, NE
Suite 9200
Washington, D.C. 20002
(202) 442-8949