

**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
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DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS

JAN 16 A 9:11

DONNA LEE AND WALTER PINKNEY, JR.,  
Tenants/Petitioners,

v.

WILLIAM AND BRENDA NEWTON,  
Housing Providers/Respondents.

Case No.: RH-TP-08-29480

*In re:* 3415 Highview Terrace, SE

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**FINAL ORDER**

On November 13, 2008, Donna Lee and Walter Pinkney filed Tenant Petition (TP) 29,480 against Respondents William and Brenda Newton alleging violations of the Rental Housing Act of 1985. The petition concerned the housing accommodation located at 3415 Highview Terrace, SE.

This administrative court issued a Case Management Order ("CMO") scheduling a hearing in this matter on February 10, 2009 at 9:30 a.m. On January 9, 2009, Tenant/Petitioner Donna Lee filed a voluntary dismissal with prejudice with this court in which she stated that, "Attached please find the praecipe for the above referenced Landlord & Tenant case which was settled on 12/19/08. Please dismiss this case with prejudice." Respondents have not filed a response.

OAH Rule 1 DCMR 2817.1 provides

A petitioner may file a summary motion for voluntary dismissal of any action, or any claim asserted in an action, at any time . . . and the presiding Administrative Law Judge may grant a summary motion for voluntary dismissal without awaiting a response from the respondent.

The District of Columbia Administrative Procedure Act (“DCAPA”), D.C. Official Code §2-509(a), allows that any contested case may be disposed of by stipulation, agreed settlement, consent order, or default. Here, Tenant Donna Lee has indicated that a settlement was reached and requests the dismissal of this matter with prejudice.

The voluntary dismissal with prejudice as it relates to Tenant Donna Lee is granted. This administrative court has received nothing from Tenant Walter Pinkney and therefore the hearing in this matter pertaining to his claims against Respondents remains scheduled for February 10, 2009 at 9:30 a.m.

If Respondents object to any aspect of this Order granting Petitioner Donna Lee’s motion for voluntary dismissal with prejudice, Respondents may file a motion for reconsideration within ten (10) days of the date of service of this Order. 1 DCMR 2937.1

Therefore, it is this 16<sup>th</sup> day of January, 2009:


**ORDERED**, that Petitioner Donna Lee’s motion for voluntary dismissal, with prejudice, is hereby **GRANTED**; and it is further

**ORDERED**, that RH-TP-08-29480 as it pertains to Petitioner Donna Lee is hereby **DISMISSED WITH PREJUDICE**; and it is further

**ORDERED**, that Tenant Walter Pinkney and Housing Providers must appear for a hearing in this matter on **February 10, 2009**, at **9:30 a.m.**, at the Office of Administrative Hearings, 941 North Capitol Street, NE, Suite 9100 (9<sup>th</sup> Floor), Washington, D.C. All other provisions of the CMO issued on January 5, 2009, shall remain in effect. **If you do not appear for the hearing you may lose the case.**

**ORDERED**, that if Respondents object to any aspect of this Order granting Petitioners' motion for voluntary dismissal Respondents may file a motion for reconsideration within ten (10) days of the date of this Order; and it is further

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

  
Caryn L. Hines  
Administrative Law Judge

### **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, in accordance with the Commission's rule, 14 DCMR 3802. The ten (10) day time limit shall begin to run when the order becomes final. If the Order is served on the parties by mail, an additional five (5) business days shall be allowed, in accordance with 1 DCMR 2811.5.

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

**Certificate of Service:**

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

Donna Lee  
3415 Highview Terrace, SE  
Washington, DC 20020

Walter Pinkney  
3415 Highview Terrace, SE  
Washington, DC 20020

William and Brenda Newton  
5720 Forest Park Road #3211  
Dallas, TX 75235

**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  
District of Columbia Department of Housing and Community Development  
Housing Regulation Administration  
941 North Capitol Street, NE, Suite 7100  
Washington, DC 20002

I hereby certify that on Jan. 16, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.

Benedetta Rhuma  
Clerk / Deputy Clerk