

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

2009 MAY 28 P 12: 59

CARLOTA COBO,
Tenant/Petitioner,

v.

MPM MANAGEMENT, INC.,
Housing Provider/Respondent.

Case No.: RH-TP-09-29526

In re: 3446 Connecticut Ave., NW,
Unit 304

FINAL ORDER

On May 21, 2009, after an earlier mediation session with Administrative Law Judge Robert Sharkey and continued negotiations between the parties, Petitioner, through counsel, filed a Summary Motion for Voluntary Dismissal (the Motion) with prejudice.

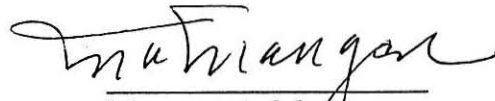
Under the rules of this administrative court, a voluntary dismissal is ordinarily without prejudice unless a stipulation is signed by all parties. OAH Rules 2817.3 and 2817.4. Although Housing Provider/Respondent did not sign the Motion, "nothing in this rule shall preclude the presiding Administrative 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 diligent efforts of the parties that preceded the motion to dismiss support 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 28th day of May, 2009:

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

ORDERED, that Case No. RH-TP-09-29526 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

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

Certificate of Service:

By First Class Mail (Postage Paid):

David Steib
Lucy Newton, Esquire.
The Legal Aid Society
1331 H Street, N.W.
Suite 350
Washington, DC 20005

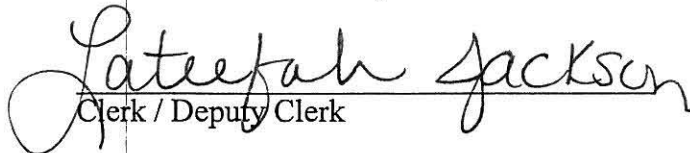
Robert Fleming
Agent, MPM Management
888 17th Street, NW, Suite 210
Washington, DC 20006

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

I hereby certify that on 5-28, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.


Clerk / Deputy Clerk