

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,567

In re: 3220 17<sup>th</sup> Street, N.W.

Ward One (1)

Bertha Hernandez  
Tenant/Appellant

v.

Wayne Gleason  
Housing Provider/Appellee

**ORDER ON MOTION TO DISMISS APPEAL DUE TO SETTLEMENT**

**March 26, 2004**

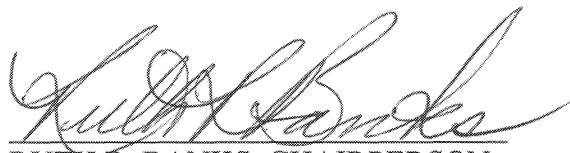
**BANKS, CHAIRPERSON.** On March 8, 2004, Bertha Hernandez, Appellant, filed a motion to dismiss her appeal based on a settlement with the Housing Provider.

Settlement of litigation is to be encouraged. The court in Proctor v. District of Columbia Rental Hous. Comm'n, 484 A.2d 542 (D.C. 1984) required the Commission to consider: 1) the extent to which the settlement enjoys support among the affected Tenants, 2) the potential for finally resolving the dispute, 3) fairness of the proposal to all affected persons, 4) saving of litigation costs to the parties, and 5) difficulty of arriving at prompt final evaluation of merits, given complexity of law, and delays inherent in administrative and judicial processes. Id. at 548. When a case is settled on appeal, the pending litigation will be considered moot, and further court action is unnecessary. Milar Elevator Co. v. District of Columbia Dep't of Employment Servs., 704 A.2d 291 (D.C. 1997). The Commission is required to review all settlement agreements that withdraw appeals, 14 DCMR § 3824.2 (1991).

Cited in Bartelle v. Washington Apartments, TP 27,617 (RHC Jan. 26, 2004); Zurlo v. Marra, TP 27,349 (RHC Jan. 21, 2004); Kellogg v. Dolan, TP 27,550 (RHC Feb. 20, 2003); Jefferson Hercules Real Estate, Inc., TP 27,478 (RHC Jan. 21, 2003).

The Tenant's motion resolves all issues before the Commission and the Landlord Tenant Branch of the Superior Court for the Tenant. In addition, there will be no further administrative delay in resolving the pending issues, which saves time and litigation costs. Accordingly, the motion to dismiss the appeal is GRANTED.

SO ORDERED.

  
RUTH R. BANKS, CHAIRPERSON

#### MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (1991), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (1991), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

#### JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), "[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals." Petitions for review of the Commission's decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The Court's Rule, D.C. App. R. 15(a), provides in part: "Review of orders and decisions of an agency shall be obtained by filing with the clerk of this court a petition for review within thirty days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed ... and by tendering the prescribed docketing fee to the clerk." The Court may be contacted at the following address and telephone number:

D.C. Court of Appeals  
Office of the Clerk  
500 Indiana Avenue, N.W., 6th Floor  
Washington, D.C. 20001  
(202) 879-2700

### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion to Dismiss Appeal Due to Settlement in TP 27,567 was mailed by priority mail, with confirmation of delivery, postage prepaid this **26th day of March, 2004**, to:

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