

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,616

In re: 75 Seaton Place, N.W.

Ward Five (5)

DIANE A. LYONS
Tenant/Appellant

v.

VITA PICKRUM
Housing Provider/Appellee

ORDER ON MOTION FOR CONTINUANCE

October 9, 2003

BANKS, CHAIRPERSON. The Commission scheduled the hearing for the appeal filed by Diane A. Lyons, Tenant/Appellant, for Wednesday, October 8, 2003. On Tuesday, October 7, 2003, Tilman L. Gerald, counsel for the Housing Provider, his secretary, his doctor and the doctor's nurse all contacted the Commission with information about Mr. Gerald's illness that began on Friday, October 3, 2003. Counsel filed a written motion for continuance of the hearing. The Commission contacted the Tenant by telephone and cancelled the hearing.

The Commission's rules, 14 DCMR § 3815.1-.2 provide:

Any party may move to request a continuance of any scheduled hearing or for extension of time to file a pleading, other than a notice of appeal, or leave to amend a pleading if the motion is served on opposing parties and the Commission at least five (5) days before the hearing or the due date; however, in the event of extraordinary circumstances, the time limit may be shortened by the Commission.

Motions shall set forth good cause for the relief requested.

See *Nezhadessivandi v. Ayers*, TP 25,091 (RHC June 19, 2002) citing:

Metropolitan Baptist Church v. District of Columbia Dep't of Consumer and Regulatory Affairs, 718 A.2d 119 (D.C. 1998). The factors to be considered are: 1) the reasons for the continuance, 2) the prejudice resulting from the denial, 3) the party's diligence in seeking relief, 4) any lack of good faith, 5) and prejudice to the opposing party. Daley v. United States, 739 A.2d 814 (D.C. 1999).

In this appeal, illness of counsel is the reason for the continuance. The prejudice resulting from the denial of the motion would be the lack of representation for the Housing Provider. Counsel was diligent seeking relief within two business days of his illness, which was verified by counsel's doctor and a nurse in the doctor's office. The prejudice to the opposing party, the Tenant, is minimal with a brief delay in this hearing. The Commission determined that counsel set forth good cause for the continuance of the hearing, which will be rescheduled by the Commission, for shortening the time for requesting a continuance as allowed by the Commission's rule.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

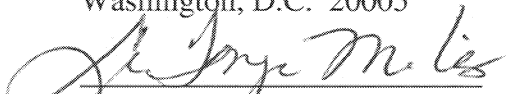
I certify that a copy of the foregoing ORDER ON CONTINUANCE in TP 27,616 was mailed by priority mail, with confirmation of delivery, postage prepaid this 9th day of October, 2003, to:

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