

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

2009 JUN -1 A 10: 01

VIVIAN WALKER,  
Tenant/Petitioner,

v.

DUDLEY PRO REALTY,LLC.,  
Housing Provider/Respondent.

Case No.: RH-TP-09-29543  
*In re* 3907 Martin Luther King, Jr. Ave. SW  
Unit B

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**FINAL ORDER**

On March 16, 2009, Tenant/Petitioner Vivian Walker filed Tenant Petition ("TP") 29,543 with the Rent Administrator and initiated this matter against Dudley Pro Realty, LLC., Housing Provider/Respondent. The tenant petition concerned the rental housing accommodation located at 3907 Martin Luther King, Jr. Avenue, SW Unit B.

On April 10, 2009, this administrative court issued a Scheduling Order ("SO") scheduling a mediation in this matter for May 26, 2009, at 9:30 a.m. Tenant Vivian Walker and counsel for Tenant, Jennifer Berger, Esquire, appeared. C.C. Dudley appeared on behalf of Housing Provider. The parties engaged in mediation with Administrative Law Judge Margaret Mangan and settled this dispute through an agreement. The parties filed a joint motion requesting that this administrative court

“dismiss the above-captioned case, without prejudice, subject to the agreement signed 5/26/09.” I grant the parties’ motion to dismiss the tenant petition.

Dismissal of this action is authorized by OAH Rule 2817.1, 1 District of Columbia Municipal Regulation (“DCMR”) 2817.1 which provides, in pertinent part that:

A petitioner may file a summary motion for voluntary dismissal of any action, or any claim asserted in an action, at anytime .

Further, OAH Rule 2817.4, 1 District of Columbia Municipal Regulation (“DCMR”) 2817.4 in pertinent part provides that:


Unless otherwise provided by statute, these Rules or an order of this administrative court, a dismissal under this Rule is without prejudice unless otherwise stipulated by the parties...

Here, Tenant Vivian Walker, through counsel Jennifer Berger, and Housing Provider Dudley Pro Realty moved to voluntarily dismiss this matter without prejudice. Accordingly, RH-TP-09-29543 will be dismissed without prejudice pursuant to OAH Rules 2817.1 and 2817.4.

Therefore, it is this 1<sup>st</sup> day of June, 2009:

**ORDERED**, that this case, RH-TP-09-29543, is hereby **DISMISSED WITHOUT PREJUDICE**; 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

## **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, N.E.  
Suite 9200  
Washington, DC 20002  
(202) 442-8949

**Certificate of Service**

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

Jennifer L. Berger, Esquire  
AARP  
601 E Street NW  
Washington, DC 20049

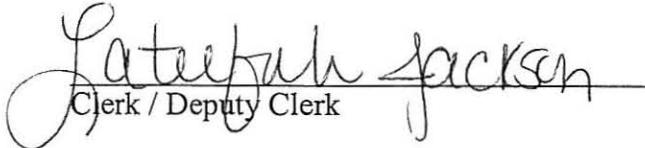
Dudley Pro Realty, LLC  
Attn: C.C. Dudley  
2101 Rhode Island Avenue NE  
Washington, DC 20018

**By Inter-Agency Mail:**

District of Columbia Rental Housing Commission  
941 North Capitol Street, N.E., Suite 9200  
Washington, DC 20002

Keith Anderson,  
Acting Rent Administrator  
Rental Accommodations Division  
Department of Housing and Community Development  
1800 Martin Luther King Jr. Avenue SE  
Washington, DC 20020

I hereby certify that on 6-1, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.

  
Clerk / Deputy Clerk