

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-SF-09-20,098

In re: 2480 16th Street, NW

Ward One (1)

TENANTS OF 2480 16th STREET NW
Tenants/Appellants/Cross-Appellees

v.

DORCHESTER HOUSE ASSOCIATION, LLC
Housing Provider/Appellee/Cross-Appellant

**ORDER GRANTING MOTION TO STRIKE REPLY
MEMORANDUM OF RUDOLPH DOUGLAS**

August 28, 2015

SZEGEDY-MASZAK, CHAIRMAN. This case is before the Commission on three notices of appeal, as follows: (1) an August 1, 2011 Notice of Appeal filed by Tenants Kow Hagan, Robert Ebel,¹ Ty Mitchell, Eleanor Johnson, and Peter Petropoulos; (2) an August 2, 2011 Notice of Appeal filed by Tenant Rudolph Douglas in his individual capacity; and (3) an August 25, 2012 Notice of Appeal filed by Dorchester House Associates, LLC (Housing Provider). Collectively, the six tenants named above in (1)-(2) shall be referred to as “Tenants”.

During the Commission’s hearing on July 8, 2015 by oral order, and in a subsequent written order issued on July 10, 2015, the Commission provided each of the Tenants who are parties to this appeal the opportunity to file Memoranda of Law on the issues raised in the notices of appeal. Douglas v. Dorchester House Assocs., LLC, RH-SF-09-20,098 (RHC July 10, 2015) (Order on Memoranda of Law); Hearing CD (RHC July 8, 2015). The Commission stated

¹ In accordance with the Commission’s Order issued on July 10, 2015, decedent Robert Ebel is represented in this appeal by his brother and personal representative, Hans Ebel. Douglas v. Dorchester House Assocs., LLC, RH-SF-09-20,098 (RHC July 10, 2015) (Order on Representation).

that any memoranda filed by any of the Tenants must be filed no later than July 16, 2015; any responsive memorandum from the Housing Provider must be filed no later than July 24, 2015. Order on Memoranda of Law at 6-7; Hearing CD (RHC July 8, 2015). The Commission made no provision for the Tenants to submit any document in reply to the Housing Provider's responsive memorandum. Order on Memoranda of Law at 6-7; Hearing CD (RHC July 8, 2015).²

Nevertheless, on August 6, 2015, the Commission received a "Reply Memorandum" from Tenant Rudolph Douglas, replying to the Housing Provider's responsive memorandum. Subsequently, on August 13, 2015, the Housing Provider submitted a "Motion to Strike Reply Memorandum of Rudolph Douglas" (Motion to Strike), requesting that the Commission strike the Reply Memorandum from the record of this appeal.³ Motion to Strike at 3-4. In support, the Housing Provider asserted that (1) permission to file the Reply Brief was not granted by the Commission's in its July 8, 2015 oral order; (2) Rudolph Douglas had not sought the Commission's permission to submit the Reply Memorandum; and (3) that the Reply Memorandum was contrary to the Commission's regulations regarding briefs. *Id.* at 3 (citing 14 DCMR § 3802.9).

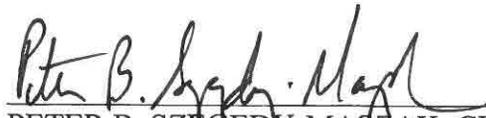
The Commission determines that, since the Reply Memorandum was not permitted by (1) the Commission's July 8, 2015 oral order at the hearing, (2) the Commission's July 10, 2015 written Order on Memoranda, or (3) the Commission's regulations, the Housing Provider's Motion to Strike will be granted, and the Reply Memorandum will be stricken from the record of

² The Commission's rules governing the filing of briefs on appeal specifically prohibit the filing of a reply to a responsive brief. 14 DCMR § 3802.9 (2004) ("[t]here shall be no reply to a responsive brief and the Commission shall not accept the brief if submitted").

³ The Commission notes that the time period for filing an opposition to the Motion to Strike expired on August 25, 2015; the Commission did not receive any opposition to the Motion to Strike by that deadline. 14 DCMR § 3814.3 ("[a]ny party may file a response in opposition to a motion within five (5) days after service of the motion).

this appeal as improper, and will not be considered by the Commission in its disposition of this appeal. Order on Memoranda of Law at 6-7; Hearing CD (RHC July 8, 2015); *see* 14 DCMR § 3802.9.

SO ORDERED



PETER B. SZEGEDY-MASZAK, CHAIRMAN

CERTIFICATE OF SERVICE

I certify that a copy of the **ORDER REJECTING FILING** in RH-SF-09-20,098 was served by first-class mail, postage prepaid, this **28th day of August, 2015**, to:

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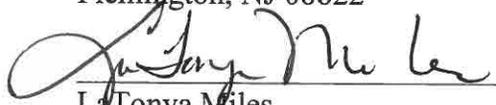
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