

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-06-28,728

In re: 907 6th Street, S.W., Unit 207-C

Ward Six (6)

UNITED DOMINION MANAGEMENT COMPANY
Housing Provider/Appellant

v.

BRIAN HINMAN
Tenant/Appellee

ORDER ON MOTION FOR WITHDRAWAL

May 2, 2013

SZEGEDY-MASZAK, CHAIRMAN. On February 4, 2013, Michael W. Dolan, attorney for Tenant/Appellee Brian Hinman (“Tenant”), filed a Motion for Withdrawal of Appearance by Attorney For Tenant/Appellee (“Motion for Withdrawal”), moving the Commission to withdraw his appearance as counsel for the Tenant. Attorney Dolan provided the following explanation:¹

1. Attorney Dolan has represented Tenant/Appellee Hinman in this appeal from November 16, 2007 to February 4, 2013, the date of filing of the Motion for Withdrawal.
2. Attorney Dolan is now seventy years of age and is retiring from his law practice. On January 14, 2013, he underwent, and is currently recovering from, surgery for the removal of a cancerous thyroid gland.
3. Tenant/Appellee Hinman has been served electronically with a copy of this motion and has been advised that she has the right to oppose this motion. Nevertheless, Tenant/Appellee Hinman consents to this motion.
4. Attorney Dolan has provided Tenant/Appellee Hinman with the names and addresses of substitute counsel, at least one of whom has agreed to represent him and will be

¹ The explanation is recited herein using the language of Attorney Dolan in the Motion for Withdrawal of Appearance.

filing an appearance in this matter soon. Accordingly, Attorney Dolan's withdrawal of appearance should not prejudice the rights of the party he represented.

5. Counsel for Housing Provider/Appellant was contacted by electronic message on January 29, 2013, and has no objection to this motion.

See Motion for Withdrawal at 1-2.

The Commission's regulations, 14 DCMR § 3813.1-4 (2004), on the withdrawal of counsel state the following:

If an attorney or other person representing a party wishes to withdraw from a case pending before the Commission, a written motion for application to withdraw shall be filed.

14 DCMR § 3813.1 (2004).

The motion shall state whether the party consents to or opposes the motion and whether the party will be unrepresented or will have substitute representation. A copy of the motion shall be served on the party and the party advised that he or she has the right to oppose the motion.

14 DCMR § 3813.2 (2004).

The motion shall state the specific reasons for withdrawal and shall state whether the absence of representation will prejudice the rights of the party.

14 DCMR § 3813.3 (2004).

Motions for application to withdraw shall be promptly decided.

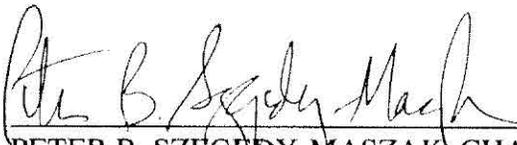
14 DCMR § 3813.4 (2004).

In this case Attorney Dolan properly filed the Motion for Withdrawal with the Commission, stating his specific reasons for withdrawal. *See* 14 DCMR § 3813.1-3 The Commission's review of the record indicates that the Tenant did not object to the Motion for Withdrawal and that, on February 4, 2013, Attorney John E. Logan entered his appearance as legal counsel on behalf of the Tenant in place of Attorney Dolan. *See* Motion for Withdrawal at 2; Praeipie at 1. *See also* 14 DCMR § 3813.1-3. Finally, the Commission's review of the

record indicates that United Dominion Management Company, the Housing Provider/Appellant, did not file an objection to Attorney Dolan's Motion for Withdrawal.

Following its review of the record, the Commission is satisfied that Attorney Dolan's Motion for Withdrawal will not prejudice the rights of the Tenant and otherwise meets the requirements of the Act. *See* 14 DCMR § 3813.1- 3. Therefore, the Motion for Withdrawal is GRANTED.

SO ORDERED



PETER B. SZEGEDY-MASZAK, CHAIRMAN

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (2004), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR §3823.1 (2004), 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 may be contacted at the following address and telephone number:

D.C. Court of Appeals
Office of the Clerk
Historic Courthouse
430 E Street, N.W.
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

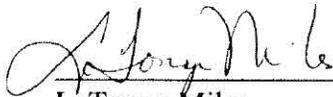
I certify that a copy of the foregoing **ORDER ON MOTION FOR WITHDRAWAL** was mailed, postage prepaid, by first class U.S. mail on this **2nd day of May, 2013** to:

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LaTonya Miles
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