

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

RH-SF-09-20,098

In re: 2480 16<sup>th</sup> Street, NW

Ward One (1)

**DORCHESTER HOUSE, ASSOCIATES, L.L.C.**  
Housing Provider/Appellant

v.

**TENANTS OF 2480 16<sup>TH</sup> STREET, NW**  
Tenants/Appellees

**ORDER ON APPELLANT'S MOTION  
TO EXTEND THE TIME TO FILE BRIEF**

**November 12, 2013**

**BERKLEY, COMMISSIONER.** This matter is before the Commission on a motion for a 30 day extension of time to file a brief on attorney's fees, filed by B. Marian Chou, Esquire on behalf of the Dorchester Tenants Association (Dorchester Tenants). The Commission scheduled the hearing on the appeal for November 20, 2013. On October 30, 2013, Ms. Chou filed Appellant's Motion to Extend 30 Days to File Brief. The motion states:

1. On October 29, 2013, the undersigned counsel received a copy of Order and Notice of Certification of Records from the Commission. According to D.C. laws, the appellant must submit his brief in five business days.
2. The undersigned counsel signed a retainer contract with the appellant for appellant's litigation before the Office of Administrative Hearings with case number SF-TP-20098. [sic]
3. After the OAH entered a final order on May 2011 on the case TP-20098 [sic], the appellant told Ms. Chou that they wanted to file appeal but did not sign a separate retainer contact for appeal matter with Ms. Chou.
4. Ms. Chou filed the notice of appeal for the case in order to preserve the Dorchester tenants' rights.

5. In 2012, the OAH entered an order granting the undersigned attorney fees. The landlord filed an appeal on that order.
6. The undersigned counsel has contacted the appellant to sign a separate retainer contract on appeal matter as required by D.C. laws.
7. The appellant hasn't sign [sic] a new retainer contract with Ms. Chou.
8. The undersigned counsel needs to file her brief on issues of attorney fees.
9. Ms. Chou is waiting the appellant to sign the retainer contract to allow her to submit the brief on behalf of appellant.

Appellant's Motion to Extend 30 Days to File Brief (Appellant's Motion) at 1-2. Ms. Chou also states that she contacted Mr. Richard Luchs, Counsel for Dorchester House Associates, L.L.C. (Housing Provider), who did not give his consent to the motion. Appellant's Motion at 1. On November 5, 2013, Mr. Luchs filed an opposition to Appellant's Motion.

Continuances are governed by the Commission's regulations, 14 DCMR §§ 3815.1 - .3 (2004). The regulations state:

- 3815.1 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.
- 3815.2 Motions shall set forth good cause for the relief requested.
- 3815.3 Conflicting engagements of counsel, absence of counsel, or the employment of new counsel shall not be regarded as good cause for continuance unless set forth promptly after notice of the hearing has been given.

The Commission notes that Ms. Chou seeks additional time of thirty (30) days to respond to issues of Attorney's Fees. She explains that the Office of Administrative Hearings (OAH) issued an order granting her attorney's fees in 2012. Appellant's Motion at 2. She explains that

she has not been able to file a brief because the Dorchester Tenants' Association has not yet signed a retainer agreement authorizing her to proceed as its representative in the appellate proceeding. Appellant's Motion at 2.

The record does not support Ms. Chou's request for additional time to file a brief to address issues of attorney's fees. The OAH issued an Order Granting Tenant's Motion for Attorney's Fees on April 12, 2012. R. at 1622. On April 25, 2012, the Housing Provider filed its appeal of that order in the Commission. The Commission issued an Order on Motions to Dismiss Appeals on September 18, 2013, in which it found that the appeal filed by Ms. Chou on behalf of the Dorchester Tenants was timely and could go forward. Ms. Chou's motion does not give any indication of when she may receive a signed retainer agreement from the Dorchester Tenants. Therefore, it does not set forth good cause for granting the relief requested, which would result in postponement of the hearing before the Commission, scheduled for November 20, 2012. See 14 DCMR § 3815.2 (2004).

Therefore, in accordance with 14 DCMR § 3815.2 (2004), the Commission denies Appellant's Motion to Extend 30 Days to File Brief.

SO ORDERED.

  
MARTA W. BERKLEY, COMMISSIONER

**CERTIFICATE OF SERVICE**

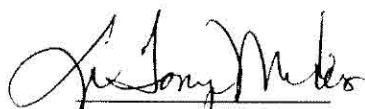
I certify that a copy of the foregoing **ORDER ON APPELLANT'S MOTION TO EXTEND 30 DAYS TO FILE BRIEF** in **RH-SF-09-20,098** was mailed, postage prepaid, by first class U.S. mail on this 12 **th day of November, 2013** to:

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