

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, ASSOCIATES, L.L.C.
Housing Provider/Appellee/Cross-Appellant

ORDER ON MOTION TO WITHDRAW

February 19, 2015

SZEGEDY-MASZAK, CHAIRMAN. On January 30, 2015, B. Marian Chou (Ms. Chou) filed “Tenants’ Counsel’s Motion to Withdraw as Attorney on Appellate Issues Except Attorney Fees” (Motion to Withdraw). No opposition was filed. In accordance with the Commission’s Order dated February 6, 2014, Ms. Chou represents Tenants Kow Hagan, Robert Ebel, Ty Mitchell, Eleanor Johnson, and Peter Petropoulos (collectively, the Represented Tenants), in the above-captioned matter. Tenants of 2480 16th St., NW v. Dorchester House Assocs., LLC, RH-SF-09-20,098 (RHC Feb. 5, 2014).

The regulations governing an attorney’s withdrawal from a case provide the following, in relevant part, from 14 DCMR:

3813.1 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.

3813.2 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.

3813.3 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 § 3813.1-.3 (2004).

The Commission first observes that the Motion to Withdraw fails to comply with the above-recited regulations. Specifically, the Motion to Withdraw violates 14 DCMR § 3813.2 because it fails to state (and provides no other evidence) regarding whether the Represented Tenants consent or oppose the motion and whether the Represented Tenants will be unrepresented or have substitute representation; moreover it fails to advise the Represented Tenants that they have the right to oppose the motion. *Compare* 14 DCMR § 3813.2, *with* Motion to Withdraw. Rather than specifically address any of the requirements described above, Ms. Chou merely states in the Motion to Withdraw that she sent a letter to the Represented Tenants, informing them of the “discontinuance of service,” and that they may retain new counsel or proceed *pro se*. Motion to Withdraw at 1-2. Ms. Chou did not include a copy of the letter that she claims to have sent to the Represented Tenants with her Motion to Withdraw.

Similarly, the Motion to Withdraw violates 14 DCMR § 3813.3, because Ms. Chou fails to state her specific reasons for withdrawal. *Compare* 14 DCMR § 3813.3, *with* Motion to Withdraw. Moreover, although Ms. Chou does state that the Represented Tenants will not be prejudiced by her withdrawal, she provides no additional details or factual background to support this assertion. *Compare* 14 DCMR § 3813.3, *with* Motion to Withdraw at 2. The Commission deems the existence of any prejudice to the Represented Tenants by Ms. Chou’s withdrawal as counsel, or lack thereof, as a very significant factor in the Commission’s decision on Ms. Chou’s Motion to Withdraw.

Finally, the Commission observes that the Motion to Withdraw violates 14 DCMR § 3803.7,¹ because it fails to provide proof of service upon all of the parties to this case: namely, Ms. Chou failed to indicate that the Motion to Withdraw was served upon one of the Represented Tenants, namely Campbell Johnson.

In light of Ms. Chou's failure to comply with the applicable regulations, as described above, the Commission is denies Ms. Chou's Motion to Withdraw, without prejudice.

SO ORDERED.


PETER B. SZEGEDY-MASZAK, CHAIRMAN

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER** in RH-SF-09-20,098 was mailed, postage prepaid, by first class U.S. mail on this **19th day of February, 2015**:

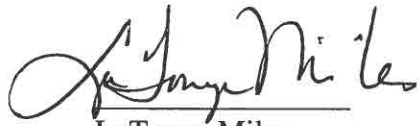
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¹ 14 DCMR § 3803.7 provides the following: "Proof of service upon parties shall be provided for all pleadings and other documents, shall be in writing, and shall show the date, person served, address at which service was made, and the manner of service."

Mr. Campbell Johnson
149 Rhode Island Avenue, NW
Washington, DC 20001

A handwritten signature in black ink, appearing to read "LaTonya Miles". The signature is written in a cursive style with a horizontal line underneath the name.

LaTonya Miles
Clerk of Court
(202) 442-8949