

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-06-28,708

In re: 3133 Connecticut Ave., N.W.
Units 901

Ward Three (3)

CHRISTINE BURKHARDT
Tenant/Appellant

v.

**KLINGLE CORPORATION,
B.F. SAUL COMPANY, and
B.F. SAUL PROPERTY COMPANY**
Housing Providers/Appellees

ORDER GRANTING CONTINUANCE

October 21, 2016

SZEGEDY-MASZAK, CHAIRMAN. This case is on appeal to the Rental Housing Commission (Commission) and is scheduled for a hearing on October 27, 2016. On October 19, 2016, Tenant/Appellant Christine Burkhardt (“Tenant”) filed a consent motion to continue the hearing (“Motion for Continuance”) because of the death of her counsel’s husband. The Tenant avers that counsel for the Housing Providers/Appellees Klingle Corporation, B.F. Saul Company, and B.F. Saul Property Company (“Housing Providers”) agrees to the continuance and to rescheduling the hearing for either November 16 or 17, 2016. Motion for Continuance at 1.

The Commission’s rules on continuances of hearings are found at 14 DCMR § 3815.1-.3 (2004) and provide as follows, respectively:

3815.1 Any party may move to request a continuance of any scheduled hearing or for ex-tension 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.

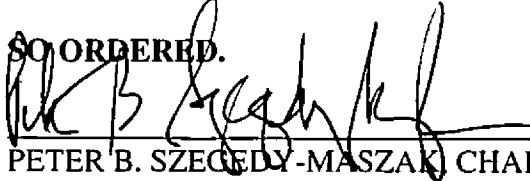
3815.3 Conflicting engagements of counsel, absence of counsel, or the employment of new counsel shall not be regarded as good cause for continuance unless set forth promptly after notice of the hearing has been given.

Continuances are committed to the sound discretion of the Commission. *See* Prime v. D.C. Dept of Public Works, 955 A.2d 178 (D.C. 2008). *See also*, Chaney v. Am. Rental Mgmt. Co., RH-TP-06-28,366; RH-TP-06-28,577 (RHC Mar. 4, 2013); Johnson v. MPM Mgmt., Inc., RH-TP-09-27,294 (RHC July 31, 2012); Prosper v. Pinnacle Mgmt., TP 27,783 (RHC Jan. 19, 2012).

The Commission is satisfied that the Tenant's motion was filed timely and that the death of her counsel's spouse constitutes good cause. *See, e.g.*, Johnson, RH-TP-09-27,294; Prosper, TP 27,783. Therefore, the Commission will grant the Motion for Continuance.

In its discretion, the Commission will reschedule the hearing for November 17, 2016 at 2:00 p.m., consistent with the parties' agreement. The Commission notes that, subsequent to the issuance of the previous Notice of Rescheduled Hearing and Notice of Certification of Record in this case on September 13, 2016, both the Tenant and the Housing Providers filed briefs. *See* 14 DCMR § 3802.7-.8 (2004).¹ Accordingly, the Commission will not accept further briefing.

SO ORDERED.



PETER B. SZECEDY-MASZAK, CHAIRMAN

¹ The Commission's rules at 14 DCMR § 3802.7-.8 provide, respectively:

3802.7 Parties may file briefs in support of their position within five (5) days of receipt of notification that the record in the matter has been certified.

3802.8 Parties may file responsive briefs within ten (10) days of service of the pleading to which the response is being filed.

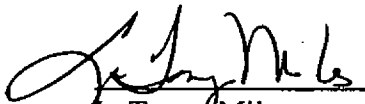
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER GRANTING CONTINUANCE** in RH-TP-06-28,708 was mailed, postage prepaid, by first class U.S. mail on this **21st day of October, 2016**, to:

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