

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

SR 20,089

In re: 710 Jefferson St., N.W.

Ward Four (4)

STEVE LONEY
Housing Provider/Appellant

v.

TENANTS OF 710 JEFFERSON STREET, N.W.
Tenants/Appellees

ORDER

April 19, 2016

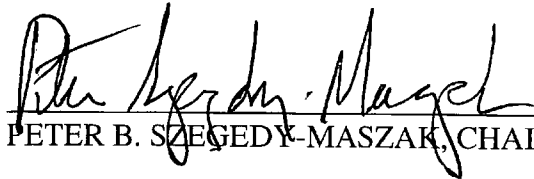
SZEGEDY-MASZAK, CHAIRMAN.¹ On March 28, 2016, Tenants/Appellees, the Tenants of 710 Jefferson Street, N.W. (“Tenants”), filed a Motion for Reasonable Attorney’s Fees (“Motion for Attorney’s Fees”) with the Commission, seeking an award of attorney’s fees for time spent by counsel handling the appeal in this case to the DCCA, as well as time spent opposing a Petition for Rehearing or Rehearing En Banc filed by Housing Provider/Appellant Steve Loney (“Housing Provider”) with the DCCA, and a Petition for Rehearing filed by the Rental Housing Commission (“Commission”) as intervenor with the DCCA. Motion for Attorney’s Fees at 6. The Housing Provider filed an Opposition to Tenants’ Motion for Attorneys Fees (“Opposition”) on the substantive claim for attorney’s fees on April 7, 2016.

¹ A detailed description of the RACD and RHC proceedings can be found in the Commission’s previous decisions issued in this case regarding attorney’s fees: Loney v. Tenants of 710 Jefferson Street, N.W., SR 20,089 (RHC June 6, 2012), and Loney v. Tenants of 710 Jefferson Street, N.W., SR 20,089 (RHC Jan. 29, 2013). Additional relevant facts and procedural history are described in the two opinions issued by the District of Columbia Court of Appeals (DCCA) related to this case: Loney v. D.C. Rental Housing Commission, 11 A.3d 753 (D.C. 2010), and Tenants of 710 Jefferson Street, N.W. v. D.C. Rental Housing Commission, 123 A.3d 170 (D.C. 2015). The Commission sets forth herein only those facts relevant to the instant order.

The Commission notes that the Tenants are seeking an award of attorney's fees solely for work performed by counsel before the DCCA. *See id.* at 6-7; Affidavit of Paul M. Smith at 1-4. The Commission also notes that the Motion for Attorney's Fees filed with the Commission indicates that a similar request for fees was filed simultaneously with the DCCA. Motion for Attorney's Fees at 5 n.1. Finally, the Commission observes that the DCCA is the highest court in the District of Columbia, and thus decisions issued by the DCCA constitute binding precedent on the Commission. *See* D.C. OFFICIAL CODE § 11-102 (2012 Repl.) (“[t]he highest court of the District of Columbia is the District of Columbia Court of Appeals.”); BLACK’S LAW DICTIONARY 1215 (8th ed. 1999) (“Binding precedent” is defined as “A precedent that a court must follow . . . For example, a lower court is bound by an applicable holding of a higher court in the same jurisdiction.”).

In light of the foregoing considerations, and in order to avoid duplicative and potentially conflicting orders regarding attorney's fees, the Commission will defer to the DCCA's authority on the issue of attorney's fees at this time. *See* D.C. OFFICIAL CODE § 11-102; BLACK’S LAW DICTIONARY 1215; Motion for Attorney's Fees at 5-7; Affidavit of Paul M. Smith at 1-4. Therefore, the Commission hereby stays its consideration of the Motion for Attorney's Fees until such time as the DCCA rules on the pending fee request in this case.²

SO ORDERED.



PETER B. SZEGEDY-MASZAK, CHAIRMAN

² If the DCCA determines that the Commission is the proper venue to consider the Motion for Attorney's Fees, the Commission will undertake consideration as required.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER** was mailed postage prepaid by priority mail, with delivery confirmation on this 19th day of April, 2016 to:

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