

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

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KOO L. YUEN, t/a EUCLID OF VIRGINIA,
Appellant,

v.

DISTRICT OF COLUMBIA DEPARTMENT
OF CONSUMER AND REGULATORY AFFAIRS,
Appellee.

BZA Appeal No. 17988

DISTRICT OF COLUMBIA'S MOTION FOR ENLARGMENT OF TIME

The District of Columbia Department of Consumer and Regulatory Affairs ("Appellee") by and through undersigned counsel, pursuant to D.C. Sup. Ct. Rule 45(b), requests that the Board of Zoning Adjustment ("Board") grant an enlargement of time to submit its Reply to the Appellant's October 15, 2009 Motion for Summary Judgment. The basis for the Appellee's motion is that undersigned counsel: (1) relied, to its detriment, upon the initial consent given by Appellant's counsel to file this motion and (2) has been uncharacteristically inundated in recent weeks with voluminous litigation demands in other matters, and as a result of this and the confusion caused by Appellant's counsel in consenting and recanting, undersigned counsel now requires additional time to adequately prepare a response to the Appellant's Motion for Summary Judgment.

On or about October 20, 2009, Appellant's counsel, consented to the Appellee's requests for an enlargement of time. However, a week later on October 27, 2009, Appellant's Counsel recanted his consent. In response, undersigned counsel

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immediately spoke with Appellant's Counsel on October 27, 2009 and he again agreed to the enlargement of time. As a result of Appellant Counsel's October 20 and 27, 2009 consents, undersigned counsel re-prioritized many competing litigation demands to ensure that its response would be timely filed. However, on the afternoon of October 28, 2009, Appellant's Counsel again recanted his previous consents. As a result, undersigned counsel now requires additional time to adequately prepare a response to the Appellant's Motion for Summary Judgment.

On October 27, 2009, Appellee also attempted to contact the chairperson of ANC 7E to obtain her consent, but was unable to reach her.

This is the Appellee's first request for an enlargement of time and the Appellant would not be adversely affected by the granting of additional time to respond. Additionally, the submission of Appellee's response on or before November 9, 2009 would not result in a continuance of the scheduled November 17, 2009 hearing.

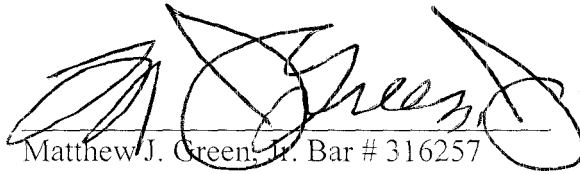
WHEREFORE, based upon the foregoing, undersigned counsel respectfully requests that the Board grant its motion to allow the Appellee additional time, until November 9, 2009, to submit its reply.

Respectfully Submitted,

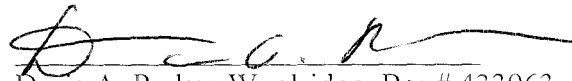
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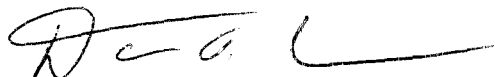
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October 2009, a copy of the foregoing District of Columbia Motion for Enlargement of Time was sent first class mail, postage prepaid to:

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Mary D. Jackson, Chairperson of ANC 7E
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