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District of Columbia Court of Appeals

DOCKETING STATEMENT

Appeal No. 02-AA-149

1) Full caption: Craig and Ann Goodman v. District of COlumbia Board of Zoning Adjustment v.

2) Party filing appeal or petition: Craig and Ann Goodman

3) Superior Court or Agency Docket No.: 16698

4) Superior Court Judge:

5) Timeliness of Appeal or Petition for Review:

a) Date of entry of judgment or order appealed from: February 4, 2002

b) Filing date of any post-judgment motion:

c) Date of entry of order deciding post-judgment motion:

d) Date notice of appeal or petition filed: February 14, 2002

e) Statute or Rule fixing time limit for filing appeal or petition: Rule 15

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6) Appeal from Superior Court:

a) Is the order appealed from a final order (i.e., does it dispose of the action as to **all** claims by **all** parties)?

_____yes _____no

b) if no:

i) Did Superior Court direct the entry of judgment in accordance with Super. Ct. Civ. R. 54 (b)?

_____yes _____no

If yes, give the date_____

or ii). Is the order properly appealable as the grant or denial of an injunction under D.C. Code §11-721 (a) (2) (a)? _____yes _____no

or iii) Has the order been certified for appeal under D.C. Code §11-721 (d)? _____

c) If none of the above applies, what is the basis for jurisdiction?_____

7) Has any other notice of appeal or petition for review been filed in this case? _____yes x no

If yes, give date and D.C.C.A. case number:_____

8) Has this appeal or petition previously been before the Court?

_____yes x no If yes, give the D.C.C.A. Case number _____

9) Are there any appeals or petitions involving the same underlying order, or to counsel's knowledge, involving substantially the same issues, currently pending before this Court? _____yes x no

If yes, give D.C.C.A. case number and issue(s):_____

BZA Case No. 16696 Exhibit No. 93

10) Does this case turn on the validity or correct interpretation or application of a particular statute or case?

_____yes x no If yes, give popular name and citation of statute and/or case.

11) State concisely the principal issue(s) in this appeal or petition: 1. Did BZA effectively promulgate a rule by its Decision and Order without notice and comment 2.Did BZA misinterpret zoning regulations? 3. Did BZA deny Petitioners due process and was its Decison and Order arbitrary and capricious, and without competent evidence?

Board of Zoning Adjustment District of Columbia CASE NO.16696 EXHIBIT NO.93

12) Does this appeal or petition present any new question of law? ___yes ___no

If yes, what is that question: Whether adding a second story onto an accessory structure on an R-1 sized property situated in an R-3 district to a height not to exceed twenty feet for use as living quarters for a domestic employee is consistent with 11DCMR 320.1 and 321.1 supported by facts in the case and/or is arbitrary and violated due process?

13) Nature of relief sought below: (does not apply to criminal cases)

- ☐ damages — amount sought $___ amount received $___
- ☐ injunctive relief: ☐ temporary ☐ preliminary ☐ permanent
  - ☐ granted ☐ denied
- ☐ declaratory relief: ☐ granted ☐ denied
- ☐ attorney fees: amount sought $___ amount received $___
- ☒ other specify: reversal of BZA Decision and Order of February 4, 2002 and issuance of ~~building permit~~

14) Nature of Disposition Below:

- ☐ bench trial
- ☐ jury verdict
- ☐ summary judgment
- ☐ grant/denial of injunction
- ☐ default judgment
- ☒ agency order
- ☐ dismissal
  - ☐ forum non conveniens
  - ☐ lack of jurisdiction
  - ☐ failure to state a claim
  - ☐ failure to prosecute
- ☐ other (specify) ___

15) Do you intend to order any portion of the transcript for the appeal or petition? X yes ___no

a) If yes, have all arrangements been made for its preparation? ___yes ___no

b) If yes, date ordered February 20, 2002

c) If no, why not ___

d) Estimated date of completion ~~April 20, 2002~~

e) Estimated number of pages: 500

f) Name of court reporter(s): BZA staff

16) Attach copy of Order or Judgment from which appeal or petition taken.

17) Name, addresses and telephone numbers of trial or agency counsel for all parties: Marie Samsome, Esq., Asst. Corporation Counsel, c/o Board of Zoning Adjustment, 441 Fourth St., N.W., Suite 210, Washington DC 20001 (202) 724-6657, Cynthia A. Giordano, Esq. for Intervenors, Arnold and Porter, 555 Twelvth St., N.W., Washington, DC 20004 (202) 942-5956

18) Should a settlement conference be scheduled in this appeal or petition? ___yes X no

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I certify that the above information is accurate to the best of my knowledge.

Signature (attorney for appellant or *pro se* party)

(Type or Print)

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Certificate of Service

I certify that a copy of the foregoing was mailed, postage prepaid, this 22nd date of February, 2002, 19___, to: see attached list

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Signature ___

Type or print name NICHOLAS D DALE

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