IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

Nebraska Avenue Neighborhood Association and Anne Page Chiapella, Petitioners,	)	
v.	)	No. 02-AA-1368
District of Columbia Board of Zoning Adjustment, Respondent.	)	

RESPONSE TO MOTION TO REINSTATE PETITION

We do not oppose Petitioner's Motion to Reinstate Petition.[1]

D.C. BOARD OF ZONING
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Respectfully submitted,

Robert J. Spagnoletti
Corporation Counsel

Edward Schwab
Acting Deputy Corporation Counsel
Appellate Division

Donna M. Murasky
Senior Litigation Counsel

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Telephone: (202) 724-5667/727-6252

BZA
Case No. 16879
Exhibit No. 78

[1]We do wish to point out to the Court, however, that it appears that the Nebraska Avenue Neighborhood Association is not represented by counsel.

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.78

Certificate of Service

I hereby certify that I have caused a true copy of the foregoing Response to Motion to Reinstate Petition to be mailed, first-class, postage-prepaid, on this 16th day of July, 2003, to:

Anne Page Chiapella
Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, N.W.
Washington, D.C. 20008

Maureen E. Dwyer, Esquire
Paul A. Tummonds, Jr., Esquire
Shaw Pittman
1600 N Street, N.W.
Washington, D.C. 20037

Donna M. Murasky
Senior Litigation Counsel

District of Columbia Court of Appeals

FILED
JUL 29 2003
DISTRICT OF COLUMBIA
COURT OF APPEALS

No. 02-AA-1368

NEBRASKA AVENUE NEIGHBORHOOD ASSOCIATION,

Petitioner,

BZA435464

v.

DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT,

Respondent,

and

SUNRISE CONNECTICUT AVENUE ASSISTED LIVING LLC.,

Intervenor.

ORDER

On consideration of petitioner's motion to reinstate petition, respondent's motion to extend time to file a response, and the lodged response, intervenor's notice to continue intervenor status, and it appearing that Nebraska Avenue Neighborhood Association is an entity not represented by counsel, and on further consideration of the mandate issued by this court on January 29, 2003, it is

ORDERED, *sua sponte*, that the mandate issued by this court on January 29, 2003 is hereby recalled. It is

FURTHER ORDERED that respondent's motion to extend time is granted, and the Clerk shall file the lodged response. It is

FURTHER ORDERED that petitioner's motion is granted, and this petition for review is hereby reinstated. It is

FURTHER ORDERED that petitioner shall, within 10 days from the date of this order, advise this court as to the identity of its counsel. *See Snow v. Capitol Terrace, Inc.*, 602 A.2d 121, 128 no.9 (D.C. 1992), and D.C. App. Rules 3 and 49. It is

No. 02-AA-1368

FURTHER ORDERED that respondent shall file the record on appeal with this court within 45 days from the date of this order. *See* D.C. App. R. 17. 9/12/03

BY THE COURT:

JOHN A. TERRY
Acting Chief Judge

Copies to:

Nebraska Avenue Neighborhood Association
c/o Anne Page Chiapella
5126 Nebraska Ave., NW
Washington, DC 20008

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Washington, DC 20037

lw

CORPORATION COUNSEL
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IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

Nebraska Avenue Neighborhood Association and Anne Page Chiapella, Petitioners,	)	
v.	)	Docket No. 02-AA-1368
District of Columbia Board of Zoning Adjustment Respondent	)	

MOTION TO DISMISS

Petitioners hereby request the Court to dismiss the Motion for Review--Docket No. 02-AA-1368 as appellant Nebraska Avenue Neighborhood Association was not able to comply with the Court's Order to provide the name of its Counsel in a timely fashion.

Anne Page Chiapella — Aug. 18, 2003

Anne Page Chiapella, Ph.D.
President
Nebraska Avenue Neighborhood Association
5126 Nebraska Ave. NW
Washington, DC 20008
Telephone: (301) 443-4715

Date

To: Geoffrey Griffis, Chair
Jerrily Kress, Exec. Dir.
BZA FAX 727-6072

From: Drina M Murashko, OCC

Re: NANA Petition for Review in DCCA - 6 pages

Ms. Chiappella has moved to dismiss her petition. I'll send dismissal order when it arrives.

K/fax
-724-8667

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