IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

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| NEBRASKA AVENUE NEIGHBORHOOD ASSOCIATION<br>Petitioner | ) | |
| vs. | ) | |
| DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT<br>Respondent | ) | Docket No. 02-AA-1368<br>(BZA Application No. 16879) |
| SUNRISE CONNECTICUT AVENUE ASSISTED LIVING LLC<br>Intervenor | ) | |

D.C. COURT OF APPEALS
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RESPONSE TO PETITIONER'S MOTION TO DISMISS

On July 29, 2003, the Court ordered the Petitioner to advise the Court as to the identity of its counsel within 10 days of the date of the Order. The Petitioner failed to respond to the Court's Order in a timely manner. On August 18, 2003, the Petitioner filed a Motion to Dismiss this case.

The Intervenor supports the Petitioner's Motion to Dismiss, or more appropriately its motion to withdraw, and requests that the Court dismiss the case known as Docket No. 02-AA-1368 with prejudice.

Respectfully submitted,

Shaw Pittman

By: Maureen Dwyer

Maureen E. Dwyer
D.C. Bar No.: 273482
Allison C. Prince
D.C. Bar No.:399248
Paul A. Tummonds, Jr.
D.C. Bar No.: 452020
Attorneys for the Intervenor
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000

BZA
Case No. 16879
Exhibit No. 79

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.79

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to Petitioner's Motion to Dismiss was mailed, first class, postage prepaid, this 20th day of August 2003 to:

Anne Page Chiapella
President, Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, N.W.
Washington, D.C. 20015

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001
Attn: Rick Nero

Advisory Neighborhood Commission 3G
Post Office Box 6252
Northwest Station
Washington, D.C. 20015

Alan H. Bergstein, Esq.
Office of the Corporation Counsel
441 4th Street, N.W.
Room 680N
Washington, D.C. 20001

Donna M. Murasky, Esquire
Deputy Corporation Counsel
Appellate Division
441 4th Street, N.W.
6th Floor South
Washington, D.C. 20001

Paul A. Tummonds, Jr.

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