BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of Advisory Neighborhood Commission 5B, Pursuant to 11 DCMR §§ 3100 and 3101, from the Administrative decision of David Clark, Director, Department of Consumer and Regulatory Affairs (DCRA) for the issuance of Building Permit No. B425438, for the renovation of a warehouse for use by a community corrections center.	)	BZA Appeal No. 16998

P.C. OF D.C.
2003 MAY 15 PM 3:27

PETITIONER'S WITHDRAWAL OF REQUEST FOR INTRODUCTION OF DENZEL NOBLE'S DEPOSITION TESTIMONY

Comes now Petitioner, ANC 5B, and withdraws its formal request to introduce Mr. Denzel Noble's testimony from a hearing at the District of Columbia Superior Court. The District of Columbia government has agreed to produce Mr. Noble at the scheduled May 20, 2003 BZA hearing in the above captioned matter for purpose of this case, which it confirmed on May 15th, 2003.

Petitioner reserves the right to use the prior sworn testimony of any witness, including Mr. Noble, for cross-examination and impeachment purposes at the scheduled BZA hearing. If Mr. Noble is unavailable to testify on May 20, 2003, Petitioner intends to offer his prior sworn testimony into evidence on the basis of Mr. Noble's unavailability.

Respectfully submitted,

Donald M. Temple, Esq.
1200 G Street, N.W. Suite 370
Washington, D.C. 20005
202-628-1101
202-628-1149 fax

BZA
Case No. 16998
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO. 16998
EXHIBIT NO. 36

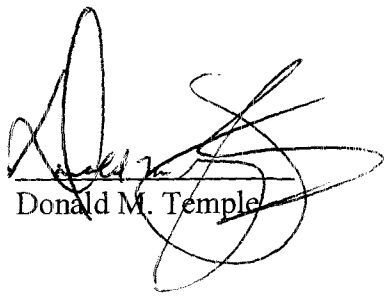
CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May 2003, a copy of the foregoing was mailed, first-class postage prepaid to:

Arabella W. Teal, Esq.
Interim Corporation
Charlotte W. Parker, Esq.
Deputy Corporation Counsel
Bennet Rushoff, Esq.
Senior Counsel
Office of the Corporation Counsel
441 4th Street, N.W., Suite 450-N
Washington, D.C. 20001

Whayne S. Quin, Esq.
Mary Carolyn Brown, Esq.
Holland & Knight, LLP
2099 Pennsylvania Ave., N.W.
Suite 100
Washington, D.C. 20006

Lori Monroe
Assistant Corporation Counsel
Office of the Corporation Counsel
441 4th Street, N.W., 6th Floor-N
Washington, D.C. 20001



Donald M. Temple

Temple Law Offices

1200 G STREET, N.W., SUITE 370
WASHINGTON, D.C. 20005

TELEPHONE (202) 628-1101
FACSIMILE (202) 628-1149
E-MAIL: TEMPLEPC@AOL.COM

Donald M. Temple ★ ▶

Associate
Jeanett P. Henry ★ ✧

Of Counsel
Everett Bellamy ◀
Warner Session ★

ADMITTED DISTRICT OF COLUMBIA BAR ★
ADMITTED MARYLAND BAR ✧
ADMITTED OHIO BAR ◀
ADMITTED PENNSYLVANIA BAR ▶

May 15, 2003

Mr. Bennett Rushkoff, Esq.
Civil Division
Office of the Corporation Counsel
441 4th Street, NW - Suite 540N
Washington, DC 20001

Re: BZA Appeal No. 16998

Dear Mr. Rushkoff:

This letter simply confirms my intention to call Denzil Noble at the Board of Zoning Administration Hearing (BZA) on Tuesday, May 20, 2003 and your agreement to produce him.

As stated on today, he will be my first witness.

Thank you in advance for your cooperation.

Respectfully

Donald M. Temple, Esq.