BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of ANC 5B	)	
	)	
	)	BZA Appeal No. 16998
From the Decision of the Zoning Administrator Approving the Issuance of a Building Permit to Renovate the Existing Building at 2210 Adams Pl., N.E., for Use as a Temporary Correctional Institution in the CM-2 District	)	

D.C. OFFICE OF ZONING
2003 MAY 16 PM 3:40

INTERVENOR'S MOTION TO CONTINUE HEARING

Intervenor Bannum, Inc. ("Bannum") moves to continue the hearing scheduled for Tuesday, May 20, 2003 for the reasons hereinafter stated:

1. Holland & Knight LLP ("Holland & Knight") is withdrawing as counsel for reasons which are privileged and confidential and which have arisen since the last hearing and in the last week.

2. Additionally, Appellant's recently-filed motion (just withdrawn) to file portions of the transcript in Joan Black v. District of Columbia, Civil Action No. 03-1639, raised arguments regarding the information submitted to the Office of the Zoning Administrator when Bannum secured its permit. Attorneys or employees from Holland & Knight may need to be called as witnesses in this matter on these contested issues of fact. Under Rule 3.7 of the Rules of Professional Conduct, an attorney may not serve as both counsel and fact witness in the same matter.

3. Due to its need to withdraw, Holland & Knight is not able to proceed with the procedural and substantive representation of Bannum in this matter.

BZA
Case No. 16998
Exhibit No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO. 16998
EXHIBIT NO. 37

4. Bannum, Intervenor, is the lessee and owner of the temporary correctional facility use which is in operation at 2110 Adams Place, N.E. Bannum, therefore, has a vital interest in participating through counsel at all stages of this appeal.

5. In order not to prejudice Bannum, a postponement is necessary to permit the retention of new counsel and to properly prepare for all aspects of this BZA appeal.

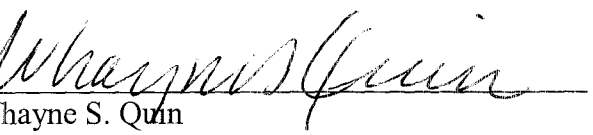
6. A hearing date of June 17, 2003 has been reserved by the Board for continuation, if necessary.

7. Holland & Knight will file its formal notice of withdrawal to be effective upon the granting of this motion for continuance.

Until new counsel is retained, all communications and correspondence should be addressed to:

David A. Lowry
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2165 Sunnydale Boulevard, Suite C
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Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Intervenor's Motion to Continue Hearing were served this 16th day of May, 2003, to the following:

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By: _____

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