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DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF HENRY SAILER, et al. BZA APPEAL NO. 17054

SUPPLEMENT TO MOTION FOR CONTINUANCE OF HEARING DATE

Comes now Appellee, through Counsel, and respectfully requests that this Board continue the hearing date in the above-captioned matter and states for reasons as follows:

1. On Thursday, January 29, 2004, Appellee submitted a Motion for Continuance of Hearing Date.

2. Attorney for Appellee, Laura Gilbert, has just made contact with Attorney Benjamin Chew, who is representing the Appellants in the above-captioned matter and who consents to the requested continuance. Attorney for Appellee was not aware that Appellants are now represented by counsel until Friday morning, January 30, 2004.

3. As mentioned previously, Attorney Gilbert has to attend a status hearing in D.C. Superior Court on the morning of February 3, 2004 in the case of District of Columbia vs. Rodgers Brothers Custodial Services, Inc., CA 7081-98. In a meeting on Friday January 30, 2004 with Attorney Brenda Walls from the Office of the Corporation, Attorney Walls stressed the importance of counsel's presence in court and asked that Attorney Gilbert be available as second chair.

4. Because Appellants are now represented by counsel, DCRA counsel is under an obligation to advise the Office of the Corporation Counsel (OCC), so that OCC may join in the representation of the Zoning Administrator, if it chooses to do so.

BZA Case No. 17054 Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO. 17054
EXHIBIT NO. 41

WHEREFORE, counsel for Appellee, Department of Consumer and Regulatory Affairs respectfully requests that this matter be rescheduled to another date.

Respectfully submitted,

Laura Gisolfi Gilbert #203000
Attorney for Appellee, Department of Consumer and Regulatory Affairs
Office of the General Counsel
941 N. Capitol Street, N.E.
Washington, D.C. 20002
(202) 442-8199

Certificate of Service

I hereby certify that a copy of the foregoing Motion has been FAXED or e-mailed to Mr. Benjamin Chew, Attorney for Appellants, and Mr. John Epting, Attorney for Intervenor this 1st day of February 2004.

Laura Gisolfi Gilbert

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF HENRY SAILER, et al. BZA APPEAL NO. 17054

MOTION FOR CONTINUANCE OF HEARING DATE

Comes now Appellee, through Counsel, and respectfully requests that this Board continue the hearing date in the above-captioned matter and states for reasons as follows:

1. A hearing in this matter was scheduled for January 27, 2004. Appellee's counsel of record, Laura Gisolfi Gilbert, was out ill on that date. A continuance request was processed at the request of Laura Gilbert and Ms. Julie Lee, Acting General Counsel, at DCRA, and the Board rescheduled the case for February 3, 2004 at 9:30 a.m.

2. Attorney Gilbert was diagnosed with an ear infection on January 29, 2004, and was advised by her doctor to stay home for the remainder of the week.

3. Additionally, Attorney Gilbert has a conflict on February 3, 2004, in that she has to attend a status hearing in D.C. Superior Court that has been scheduled for the morning of February 3, 2004 on several court cases pertaining to the solid waste handling facilities, including District of Columbia vs. Rodgers Brothers Custodial Services, Inc., CA 7081-98. Although Attorney Gilbert is not the attorney of record in this matter, the Office of the Corporation Counsel has requested that she appear, since she has been handling the administrative actions brought by DCRA against Rodgers Brothers Custodial Services, Inc., and there may be questions at the hearing pertaining to these matters.

WHEREFORE, counsel for Appellee, Department of Consumer and Regulatory Affairs respectfully requests that this matter be rescheduled to another date.

Respectfully submitted,

Laura Gisolfi Gilbert #203000
Attorney for Appellee, Department of Consumer and Regulatory Affairs
Office of the General Counsel
941 N. Capitol Street, N.E.
Washington, D.C. 20002
(202) 442-8199

Certificate of Service

I hereby certify that a copy of the foregoing Motion is being FAXED or e-mailed to Mr. Henry P Sailer, Appellant and Mr. John Epting, attorney for Intervenor this 29th day of January 2004.

Laura Gisolfi Gilbert

District of Columbia
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Office of the General Counsel
941 North Capitol Street, N.E., Suite 9400
Washington, D. C. 20002
FAX Number: 202/442-9447

FACSIMILE COVER SHEET

DATE: 2/1/04

TO: Rick Nero, 727-2806

FAX #: (202) 727-6072

FROM: Laurie Gisolfi Gilbert

PHONE: (202) 442-8199

RE: Henry Seiber, BZA #17054

YOU SHOULD RECEIVE 2 PAGES, INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES OR IF THE FACSIMILE IS ILLEGIBLE, PLEASE CALL (202) 442-8199.

This is a supplemental request for continuance. Is there any chance we can get a response on Monday?