District of Columbia Court of Appeals

FILED
AUG 30 2007
DISTRICT OF COLUMBIA
COURT OF APPEALS

No. 06-AA-1298

DIANA deBRITO, *et al.*,
Petitioners,

v.

DISTRICT OF COLUMBIA,
BD. OF ZONING ADJUS.,
Respondent,

BAZ17391-06

and

EUGENE LUDWIG, *et al.*,
Intervenors.

RECEIVED
D.C. OFFICE OF ZONING
2008 MAY -7 AM 10:40

BEFORE: Farrell and Ruiz, Associate Judges, and Terry, Senior Judge.

JUDGMENT

On consideration of petitioners' motion for extension of time to file their brief, intervenors' opposition, petitioners' reply, intervenors' motion for summary affirmance and the opposition thereto, it is

ORDERED that the intervenors' motion for summary affirmance is granted since the facts and law are both clear-cut and undisputed. *See Oliver T. Carr Mgm't, Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979). The petitioners cannot show the respondent erred in dismissing their appeals as untimely or for failure to state a claim. *See* 11 DCMR § 3112.2 (a) (2003) as *amended by* 50 D.C. Reg. 1202 (Feb. 7, 2003); *Sisson v. District of Columbia, Bd. of Zoning Adjus.*, 805 A.2d 964, 969 (D.C. 2002). It is

FURTHER ORDERED that petitioners' motion for extension of time is denied as moot.

FURTHER ORDERED and ADJUDGED that the order on appeal be and hereby is affirmed.

ENTERED BY DIRECTION OF THE COURT:

GARLAND PINKSTON, JR.
Clerk of the Court

A true Copy
Test:
Garland Pinkston, Jr.
Clerk of the District of Columbia Court of Appeals
BY _____
DEPUTY CLERK

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17391
EXHIBIT NO. 36

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17391
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