

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPEAL OF JMM CORP
J.M.M. CORPORATION**

BOARD OF ZONING ADJUSTMENT*
District of Columbia

Appellant

CASE NO. 17504 * BZA Appeal No. 17504
EXHIBIT NO. 19 * (Hearing: 7/25/06)

APPELLANT JMM CORP.'S MOTION TO RESCHEDULE HEARING

Appellant JMM Corp. respectfully moves to reschedule the July 25, 2006, hearing, for the following grounds:

1. Appellant's undersigned counsel needs more time to prepare for the hearing, for reasons including:
 - a. This is an appeal from Administrative Law Judge Henry McCoy's December 6, 2002, adverse ruling against Appellant in DCRA Nos. 2002-OAD-003/004 (after a July 29-30, 2006 hearing), and Administrative Law Judge Lennox Simon's July 2, 2002, adverse ruling against Appellant in DCRA Nos. 01-OAD-2626-B and 01-OAD-2541-G (after a March 5, 2002, hearing).
 - b. Appellant needs more time to obtain a transcript of the July 29-30, 2002 hearing before DCRA ALJ Simon. Said hearing was recorded by audio recording, without a court reporter. Unfortunately, undersigned counsel was provided a set of audiotapes of the proceeding that are barely audible, due to extreme background noise. Undersigned counsel then asked the DCRA for a better recording, and was provided a set of two computer CD's that are not audible at all, either because of software incompatibility,

because the proceedings were not sufficiently recorded or burned into the CD's, or because of another reason.

c. Appellant seeks a continuance until at least October 2006 to have sufficient time to return to the DCRA to either get a sufficient copy of the recorded proceedings before ALJ McCoy, or to seek leave for a court reporter to type the proceedings from the master audiotape.

2. Combined, the proceedings before ALJ's Simon and McCoy were very voluminous, with hours of testimony, and many pages of exhibits. Undersigned counsel needs additional time to assemble all of this material to sufficiently present appellant's case to the BZA, and to assure all such materials are in the file. When undersigned counsel checked the files of the Board of Appeals before this case was effectively transferred to the BZA after the District of Columbia Court of Appeals this year placed jurisdiction of this case in the BZA, the files appeared incomplete.

3. Appellant has made no previous rescheduling requests. This appeal hearing originally was set for July 18, and was changed to July 25 on the BZA's own initiative. However, undersigned counsel has been overwhelmed with a very heavy litigation docket that will ease up starting next month. For instance, in May 2006, undersigned counsel had a multi-week criminal jury trial in Charlottesville, Virginia, federal court. In June 2006, he was in court for trials and preliminary matters nearly every day. This month, July, undersigned counsel has had to be in trials and preliminary matters for at least half the business days this month.

Contrasted to this heavy litigation docket through July 2006, undersigned counsel is available over half of August, all but five days in September, all but four days in October, all days in November (except November 22-24), and all days in December 2006.

4. Appellant's owner, Jose Montiel, requires a Spanish language interpreter. Undersigned counsel does not know if that has already been arranged, and this week will file a formal interpreter request.

5. A continuance may be to the benefit of the government, as well. For instance, the DCRA lawyer who represented the government before ALJ's Simon and McCoy – Matthew Green, Esquire – is no longer with the DCRA, and the information and issues in this appeal are in-depth, voluminous and complex. Undersigned counsel is in the process of seeking the government's consent to reschedule this hearing.

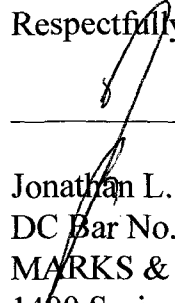
6. Undersigned counsel needs to file supplemeal arguments to his initial arguments filed March 17, 2002, with the BZA.

7. Although is calendar fills daily, undersigned counsel's available dates the rest of the year, at present, are: September 1-11; 13-15; 19-21; 25; and 27-9; October 4-13, and 17-31; November 1-21 and 27-30; and December 1-15.

8. Undersigned counsel apologizes for not having made this motion earlier. This is undersigned counsel's first hearing before the BZA, and he has shown above the good cause for rescheduling this hearing in consultation with counsel.

WHEREFORE, Appellant respectfully moves to reschedule the hearing in consultation with counsels' calendars.

Respectfully submitted,

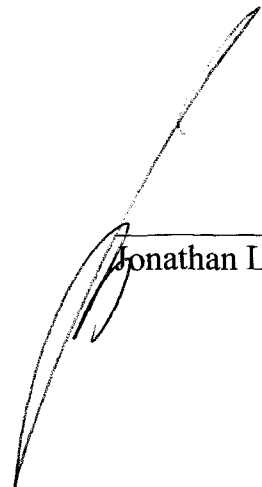


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Appellant's Motion to continue hearing was served by by hand delivery and first-class mail on July 11, 2006, to:

Jill Stern, Esq.
General Counsel
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941 North Capitol Street, N.E.
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Washington, DC 20002



Jonathan L. Katz

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*** (Hearing: 7/25/06)**

ORDER

UPON CONSIDERATION of Appellant's Motion to reschedule the hearing, it is
this _____ day of _____, 2006, hereby ordered that Appellant's
Motion is granted, and it is further

ORDERED that the new hearing date be scheduled in consultation with counsels'
calendars.

BZA

Send copies to

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