

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Civil Infraction No. 07-0001 (formerly 17670) / OAH No. CR 1-05-N100089 of Eimaj, Inc., pursuant to 11 DCMR §§ 3100 and 3101, from the March 12, 2007, decision of an Administrative Law Judge, to issue a violation of a Notice of Infraction (No. 100089), and \$500 fine for the operation of the sexually oriented Royce's Video establishment in the C-2-A District at premises 7445 Georgia Avenue, N.W. (Square 2962, Lot 22).

BRIEFING ORDER

Upon consideration of the appeal of Nicholas T. Filloramo / Eimaj, Inc., it is hereby **ORDERED**, this 31st day of August, 2007, that:

1. The appellant shall serve and file a brief by the 13th day of September, 2007;* the appellee may serve and file a brief by the 25th of September, 2007; and the appellant may serve and file a reply brief by October 5th, 2007.
2. If, within the time provided by this order, the appellant fails to file a brief or a statement to the Board expressing an intent to rely on the "Statement of the Case" already filed, the Board, on its own motion or upon the motion of the appellee, **may dismiss the appeal**.
3. No further briefs may be filed, except by leave of the Board of Zoning Adjustment.
4. Briefs must be served by mail or in person on all parties.
5. The format of all briefs must be as follows:
 - a) Each brief must be typewritten on business size (8 ½ x 11) paper;
 - b) Each brief must contain the name and docket number of the case;
 - c) All typing must be double-spaced, except footnotes and quotations, which are to be single-spaced and indented;
 - d) Each brief must be signed by the party on whose behalf it is filed or by that party's representative or attorney;

* If the appellant intends to rely on the "Statement of the Case" filed on May 11, 2007 as the appellant's brief, the appellant is to inform the Board and parties of this intent. However, the appellant may supplement the "Statement of the Case" with a brief filed and served by September 13, 2007.

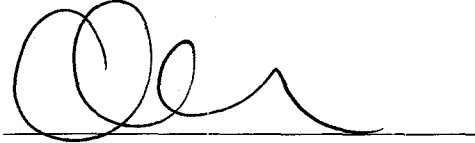
- e) Each brief must contain or be accompanied by a certificate of service showing the method and date of service on each party separately represented;
 - f) An original and 10 copies of each brief must be filed with the Board;
 - g) Briefs may not exceed 20 pages in length.
6. The content of Appellant's brief must be as follows:
- a) A table of contents, with page references, and a table of cases alphabetically arranged with asterisks placed before the cases chiefly relied upon, and statutes, rules, regulations, and other authorities cited, with references to the pages of the brief where they are cited;
 - b) A statement of the issues presented for review;
 - c) A statement of the facts of the case. A statement will first indicate briefly the nature of the case, the course of proceedings, and its disposition by the Director of DCRA or the ALJ whose decision is being appealed. There will follow a statement of the facts relevant to the issues presented for review, with appropriate references to the record;
 - d) An argument, which may be preceded by a summary. The argument will contain the contentions and the reasons for those contentions, with citations to the authorities, statutes, and parts of the record relied upon; and
 - e) A short conclusion stating the precise relief sought.
7. The content of Appellee's brief must conform to all the requirements of #6, above, except that a statement of the issues, or of the facts, of the case need not be made unless the appellee chooses to do so.

In addition to the above schedule and explanation of filing requirements, each party shall make note of the following as it relates to this case:

1. The appeal will be heard on October 16, 2007;
2. Each party will have 30 minutes to present its argument;
3. Questions posed by the Board and any responses will count toward the 30 minutes;
4. The appellant may reserve a portion of its 30 minutes for rebuttal; and

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5. No party may refer to, or introduce, any evidence that was not in the record before the ALJ.



Clifford W. Moy
Secretary to the Board of Zoning Adjustment

cc: Parties

Jonathan L. Katz, Esquire
Marks & Katz, LLC
1400 Spring Street, Suite 410
Silver Spring, Maryland 20910

Jill Stern, Esquire
General Counsel
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 9400
Washington, D.C. 20002

Andrea Bagwell, Esquire
Harmon, Wilmot, & Brown, LLP
1010 Vermont Ave., N.W., Suite 810
Washington, D.C. 20005

Sinclair Long, Esquire
Office of Civil Infractions
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E.
Washington, D.C. 20002

Chairman
Advisory Neighborhood Commission 4B
6856 Eastern Avenue N.W., #314
Washington, D.C. 20012

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