

DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

MATTER OF

EIMAJ, INC./FILLORAMO

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Case No. 17670

Hearing: 2/12/08

CONSENT MOTION TO RESCHEDULE HEARING

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Appellants - Nicholas Filloramo, Eimaj, Inc., and Royce Video - move by consent of all the parties to reschedule the hearing in this matter, in consultation with their calendars, for the following grounds:

1. All parties consent to continue the hearing. On February 5, 2008, undersigned counsel spoke with the government's attorney, Doris Parker-Wooldridge, Esquire, who gave her consent to a continuance.
2. The parties are in negotiations about possibly resolving this matter without necessitating a full hearing before the BZA. The parties have scheduled a February 21, 2008, date to discuss negotiations, where the participants will include all counsel to this action and appellant Nicholas Filloramo.
3. Appellant Nicholas Filloramo has learned of a possible serious health ailment that requires seeing a specialist to determine what is his ailment in order to determine a course of treatment. This specialist physician has a heavily booked

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schedule, and was able to fit in Mr. Filloramo for a February 12, 2008, examination, which is not scheduled. Said examination date conflicts with the current February 12, 2008, BZA hearing in this matter.

4. Appellant has received from the Office of Administrative Hearings ("OAH") a replacement CD audiotape of the OAH hearing below (the original that was received was incomplete, involving a break and no re-adjourment on the tape.) Undersigned counsel now needs to listen to said tape to determine whether it is complete, and then have it transcribed. Opposing counsel previously informed undersigned counsel that she is interested in having a complete transcript. Moreover, a transcript of the hearing below is needed for any record that will be transferred to the court in the event an appeal is filed from the BZA's decision in this matter.

WHEREFORE, by consent of all parties, Appellant respectfully move to reschedule the hearing in this matter to a date set in consultation with all counsels' calendars. Appellants respectfully request that this Motion be granted prior to the hearing date (due to Appellant's medical obligation that day). Appellants also respectfully ask to reschedule the hearing by phone, so that undersigned counsel may free up his day for competing court matter.

Respectfully submitted,

MARKS & KATZ, L.L.C.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant's Consent Motion to Reschedule Hearing was served by hand delivery on February 6, 2008, to:

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Jonathan L. Katz