

District of Columbia
Court of Appeals

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Case Information: 20-AA-0264

Short Caption:	TOM MCDONALD, ET AL V. D.C. BOARD OF ZONING ADJUSTMENT	Classification:	Agency - Administrative Agency - Bd Of Zoning Adjustment (BZA)
Lead:	20-AA-0264	Consolidated:	20-AA-0265
Superior Court or Agency Case Number:	BZA19823	Filed Date:	03/13/2020
Opening Event Date:	03/13/2020	Case Status:	Decided/Dismissed
Record Completed:	05/22/2020	Post-Decision Matter Pending:	
Briefs Completed:	10/19/2020		
Argued/Submitted:	09/30/2021		
Disposition:		Next Scheduled Action:	
Mandate Issued:	05/01/2023		

Party Information

Appellate Role	Party Name	IFP	Attorney(s)	Arguing Attorney	E-Filer
Intervenor	Wisconsin Avenue Baptist Church	N	Deborah B. Baum	Y	Y
Intervenor	Sunrise Senior Living	N	Deborah B. Baum	Y	Y
			David J. Stute	N	Y
Petitioner	Tom McDonald	N	Tom McDonald	Y	Y
Petitioner	Kibre Genet Haile McDonald	N	Tom McDonald	Y	Y
Respondent	D.C. Board of Zoning Adjustment	N	Caroline Van Zile	N	Y

Events

Event Date	Status	Description
03/13/2020	Filed	Petition For Review

Board of Zoning Adjustment
District of Columbia
CASE NO. 19823A
EXHIBIT NO. 13C

Result **PDF**

03/13/2020	Filed	Filing Fee Paid	
03/18/2020	Filed	Service Of Petition On Agency/Bd	
03/27/2020	Filed	Notice Of Intent To Intervene by Wisconsin Avenue Baptist Church and Sunrise Senior Living (Intervenor Sunrise Senior Living, Intervenor Wisconsin Avenue Baptist Church)	
05/19/2020	Filed	Order Sua Sponte that this petition for review shall be referred to the mediation coordinator for mediation screening	
05/19/2020	Filed	Referred to Mediation	
05/20/2020	Filed	Screened Out	
05/22/2020	Filed	Record On Appeal	
05/22/2020	Filed	Record Completed	
07/09/2020	Filed	Order Sua Sponte Consolidating Appeals 20-AA-264 & 20-AA-265	
07/09/2020	Filed	Briefing Order	
08/03/2020	Filed	Motion For Extension Of Time to File Brief, Appendix 20-AA-265 (Petitioner Tenleytown Neighbors Association)	Granted
08/06/2020	Filed	Opposition to motion for extension of time to file brief and appendix (Intervenor Sunrise Senior Living, Intervenor Wisconsin Avenue Baptist Church)	
08/12/2020	Filed	Order Granting Motion For Extension Of Time to File Brief, Appendix to 9/18/20 (Petitioner Tenleytown Neighbors Association); briefs, appendix of petitioners Tom McDonald, Kibre McDonald remain due 8/18/20	
08/14/2020	Filed	Motion For Extension Of Time to File Brief, Appendix (Petitioner McDonald)	Granted
08/26/2020	Filed	Order Granting Motion For Extension Of Time to File Brief, joint Appendix to 9/18/20 (Petitioners Tom McDonald, Kibre McDonald)	
09/18/2020	Filed	Brief (Petitioner McDonald)	
09/18/2020	Filed	Brief (Petitioner Tenleytown Neighbors Association)	
09/18/2020	Filed	Joint Appendix (Petitioner Tenleytown Neighbors Association)	
10/19/2020	Filed	Briefing Completed	
10/19/2020	Filed	Brief (Intervenor Sunrise Senior Living, Intervenor Wisconsin Avenue Baptist Church)	
10/19/2020	Filed	Memorandum/Statement In Lieu Of Brief (Respondent D.C. Board of Zoning Adjustment)	
11/06/2020	Filed	Motion For Extension Of Time to File Reply Brief (Petitioner Tenleytown Neighbors Association)	Granted
11/09/2020	Filed	Order Granting Motion For Extension Of Time to File Reply Brief (Petitioner Tenleytown Neighbors Association) - 11/24/20	
11/24/2020	Filed	Reply Brief (Petitioner Tenleytown Neighbors Association)	

11/24/2020	Filed	Reply Brief (Petitioner McDonald)
01/04/2021	Filed	ACTION - Ready for Calendaring - Regular
07/29/2021	Filed	ACTION - Calendar notice sent
09/30/2021	Filed	Argued Before Chief Judge Blackburne-Rigsby, Associate Judge Easterly, Associate Judge McLeese (Tom McDonald, Esquire) (Deborah B. Baum, Esquire) (Andrea C. Ferster, Esquire)
04/06/2023	Filed	Affirmed by OPINION
05/01/2023	Filed	Mandate

Rule 41. Mandate: Contents; Issuance and Effective Date; Stay; Remand; Recall; and Disciplinary Matters

(a) Contents. The mandate consists of a certified copy of the judgment, a copy of the court's opinion, if any, and any direction about costs.

(b) When Issued. The court's mandate must issue 7 calendar days after the time to file a petition for rehearing expires, or 7 calendar days after entry of an order denying a timely petition for division rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. The court may shorten or extend the time by order.

(c) Effective Date. The mandate is effective when issued.

(d) Staying The Mandate.

(1) On Petition for Rehearing or Motion. The timely filing of a petition for division rehearing, petition for rehearing en banc, or motion for stay of mandate, stays the mandate until disposition of the petition or motion, unless the court orders otherwise.

(2) Pending Petition for Certiorari.

(A) Motion to Stay. A party may move to stay the mandate pending the filing of a petition for a writ of certiorari in the Supreme Court. The motion must be served on all parties and must show that the certiorari petition would present a substantial question and that there is good cause for a stay.

(B) Duration of Stay; Extensions. The stay must not exceed 90 days, unless the period is extended for good cause or the party who obtained a stay notifies the Clerk in writing within the period of the stay:

(i) that the time for filing a petition has been extended, in which case the stay continues for the extended period; or

(ii) that the petition has been filed, in which case the stay continues until the Supreme Court's final disposition.

(C) Security. The court may require a bond or other security as a condition to granting or continuing a stay of the mandate.

(D) Issuance of Mandate. The Clerk must issue the mandate immediately on receiving a copy of a Supreme Court order denying the petition, unless extraordinary circumstances exist.

(3) Consolidated Cases. In cases consolidated on appeal, a petition filed by one party does not operate to stay the mandate as to any other party.

(e) Remand. If the record in any case is remanded to the Superior Court or to an agency, this court

retains jurisdiction over the case. If the case is remanded, this court does not retain jurisdiction, and a new notice of appeal or petition for review will be necessary if a party seeks review of the proceedings conducted on remand.

(f) Recall of the Mandate. Any motion to recall the mandate must be filed within 180 days from issuance of the mandate.

(g) Disciplinary Cases. A mandate is not issued in a disciplinary case that is initiated in this court by a report and recommendation from the Board on Professional Responsibility. A disbarment or suspension from the practice of law is commenced as provided by the District of Columbia Bar Rules.