

**Cases**

Case Search

Participant Search

**Case Information: 15-AA-1000**

<b>Short Caption:</b>	BARRY FARM TENANTS AND ALLIES ASSOCIATION V. D.C. ZONING COMMISSION	<b>Classification:</b>	Agency - Administrative Agency - Zoning Commission
<b>Superior Court or Agency Case Number:</b>	ZC14-02	<b>Filed Date:</b>	09/01/2015
<b>Opening Event Date:</b>	08/31/2015	<b>Case Status:</b>	Under Advisement
<b>Record Completed:</b>	10/02/2015	<b>Post-Decision Matter Pending:</b>	
<b>Briefs Completed:</b>		<b>Next Scheduled Action:</b>	Ready to be Decided
<b>Argued/Submitted:</b>	09/28/2016		
<b>Disposition:</b>			
<b>Mandate Issued:</b>			

**Expedited**

**Party Information**

Appellate Role	Party Name	IFP	Attorney(s)	Arguing Attorney
Intervenor	D.C. Housing Authority	N	Edward N. Kane	N
			Claude E. Bailey	N
			John F. Cooney	N
Intervenor	A & R Development Corporation	N	Kristina Crooks	N
			Paul J. Kiernan	Y
Intervenor	Preservation of Affordable Housing	N	George R. Keys, Jr.	N
Petitioner	Barry Farm Tenants and Allies Association	N	Aristotle Theresa	Y
			Claude E. Bailey	N
Respondent	D.C. Zoning Commission	N	Todd S. Kim	N
			Richard S. Love	N

**Events**

Event Date	Status	Description	Result
08/31/2015	Filed	Petition For Review	
08/31/2015	Filed	Filing Fee Paid	
09/01/2015	Filed	Service Of Petition On Agency/Bd	
09/14/2015	Filed	Initial Order - directing record	
10/02/2015	Filed	Record On Appeal (6 Blue Folders)	
10/02/2015	Filed	Record Completed	
10/07/2015	Filed	Briefing Order	
11/02/2015	Filed	MOTION for leave to Intervene (Intervenor A & R)	Granted

**ZONING COMMISSION**  
 District of Columbia  
 CASE NO.14-02A  
 EXHIBIT NO.1C

		Development Corporation, Intervenor DC Housing Authority, Intervenor Preservation of Affordable Housing)	
11/13/2015	Filed	Motion For Extension Of Time to File Appendix, Brief (Petitioner)	
11/24/2015	Filed	Order Granting MOTION for leave to Intervene (Intervenor A & R Development Corporation, Intervenor DC Housing Authority, Intervenor Preservation of Affordable Housing)	
11/24/2015	Filed	Counsel's Motion To Withdraw (Intervenor Preservation of Affordable Housing)	Granted
11/24/2015	Filed	Appearance by George R. Keys, Jr. (Intervenor Preservation of Affordable Housing)	
11/24/2015	Filed	Notice Of Intent To Intervene (Intervenor A & R Development Corporation, Intervenor DC Housing Authority, Intervenor Preservation of Affordable Housing)	
12/16/2015	Filed	Order Granting Counsel's Motion To Withdraw (Intervenor Preservation of Affordable Housing) - Aaron O'Toole	
12/28/2015	Filed	Motion For Summary Reversal (Petitioner)	Denied
01/08/2016	Filed	TMC--motion for summary reversal x motion for summary affirmance	
01/08/2016	Filed	Motion For Extension Of Time to File to file opposition or otherwise respond to petitioner's motion for summary reversal (Intervenor A & R Development Corporation, Intervenor DC Housing Authority, Preservation of Affordable Housing)	
01/26/2016	Filed	Motion For Summary Affirmance (Intervenor A & R Development Corporation, Petitioner Barry Farm Tenants and Allies Association)	Granted
01/26/2016	Filed	Statement in support of cross-motion for summary affirmance. (Respondent)	
02/08/2016	Filed	Motion For Extension Of Time to File opposition to intervenors motion for cross summary judgment (Petitioner)	
02/10/2016	Filed	TMC (Mot. for extension to file oppo. to mot. for cross summary judgment)	
02/12/2016	Filed	Opposition to petitioner's motion for extension of time (Intervenor A & R Development Corporation)	
02/22/2016	Filed	Reply to intervenors motion in opposition to appellant's motion for summary reversal (Petitioner)	
03/01/2016	Filed	Reply in support of cross motion for summary affirmance (Intervenor A & R Development Corporation)	
03/14/2016	Filed	Sur reply in support of summary reversal (Petitioner)	
03/21/2016	Filed	Motion For Leave to amend sur reply in support of summary reversal (Petitioner)	
03/21/2016	Lodged	Amended sur reply in support of summary reversal (Petitioner)	
03/23/2016	Lodged	Opposition to Motion for Leave to Amend Sur Reply in Support of summary Reversal (Intervenor A & R Development Corporation)	
04/04/2016	Lodged	Reply in support of Barry Farm Tenants and Allies Association's motion to amend (Petitioner)	
04/22/2016	Withdrawn	GRANT - Order Granting Intervenor's cross-motion for Motion for Summary Affirmance; FO ordered petitioner's Motion for Summary Reversal denied; FO extensions of time granted & lodged pleadings filed.	
04/22/2016	Withdrawn	Affirmed	
05/09/2016	Filed	Motion To Reinstate briefing calendar for court review of all appeal issues (Petitioner)	Granted
05/10/2016	Filed	TMC (Motion To Reinstate briefing calendar for court review of all appeal issues) -- Treat as Petition for Rehearing	
05/18/2016	Filed	Order filing late petition for rehearing and granting petition and vacating the grant of the motion for summary affirmance to the extent that petitioner may raise any issue other than the propriety of the commissioner's motion to recuse. FO motion for summary affirmance denied. FO appeal is expedited and placed on Summary calendar FO	

		brief of petitioner and joint appendix shall be filed in 30 days. Briefs of respondents and intervenor 30 days thereafter. All briefs to be hand served or electronically served.	
05/18/2016	Filed	ORDER SUA SPONTE - Order Sua Sponte Expedite _ SEPT 2016 Calendar (see May 18, 2016 order) Petitioner brief due 6/17	
05/23/2016	Filed	Motion To Reconsider of the order dated May 18, 2016 and reinstatement of the Judgment dated April 22, 2016 (Intervenor A & R Development Corporation)	Denied
05/24/2016	Filed	TMC --- (Motion To Reconsider of the order dated May 18, 2016 and reinstatement of the Judgment dated April 22, 2016 (Intervenor A & R Development Corporation)	
05/31/2016	Filed	Order Denying intervenor's motion seeking reconsideration of 5/18 order & reinstatement of 4/22 order; FO brief schedule set forth in 5/18/16 order shall continue as set forth therein; FO all pleadings of parties shall comply with rule of this court, including service to parties. Failure to comply w/rule may result in dismissal of appeal	
06/01/2016	Filed	Reply in support of vacating order (Petitioner)	
06/17/2016	Filed	Motion For Extension Of Time to File Appendix, Brief (Petitioner)	Granted
06/20/2016	Filed	Opposition to petitioner's motion to extend the briefing deadline (Intervenor A & R Development Corporation)	
06/23/2016	Filed	Reply in support of an extension of time to file principle brief (Petitioner)	
07/05/2016	Filed	GRANT - Order Granting Motion For Extension Of Time to File Appendix, Brief (Petitioner)	
07/05/2016	Filed	Brief (Petitioner)	
07/20/2016	Filed	Motion For Leave to File to file a Joint Appendix (Petitioner)	Granted
07/28/2016	Filed	Brief (Intervenor A & R Development Corporation)	
07/28/2016	Filed	Memorandum/Statement In Lieu Of Brief (Respondent - D.C. Zoning)	
08/03/2016	Filed	ACTION - Calendar notice sent	
08/17/2016	Filed	Order Granting Motion For Leave to File to file a Joint Appendix (Petitioner)	
08/17/2016	Filed	Appendix (Joint) (Petitioner)	
08/18/2016	Filed	Reply Brief (Petitioner)	
08/19/2016	Filed	Motion For Leave to File Amended Reply Brief. (Petitioner)	Granted
08/26/2016	Filed	Order Granting petitioner's motion to file their amended reply brief.	
08/26/2016	Filed	Amended Reply Brief (Petitioner)	
08/26/2016	Filed	Motion For Leave to File Memorandum/Statement In Lieu Of Brief (Intervenor Preservation of Affordable Housing)	Granted
09/01/2016	Filed	Order Granting Co-Intervenor of Affordable Housing, Inc., to file statement.	
09/01/2016	Filed	Memorandum/Statement In Lieu Of Brief (Intervenor Preservation of Affordable Housing)	
09/14/2016	Filed	Appearance of Paul J. Kiernan (Intervenor A & R Development Corporation)	
09/28/2016	Filed	Argued before Associate Judge Blackburne-Rigsby, Associate Judge McLeese, and Associate Judge Kravitz. (Aristotle Theresa, Esq. for petitioner Barry Farms Tenants and Allies Association) (Paul J. Kiernan, Esq. for Intervenor D.C. Zoning Commission)	
09/28/2016	Filed	Letter from Intervenor A&R Development Corporation regarding a question posed during oral argument (Intervenor A & R Development Corporation)	
04/05/2017	Filed	Motion for emergency injunction (Petitioner)	
04/12/2017	Filed	Opposition to Petitioner's Motion for emergency injunction (Intervenor A & R Development Corporation, Intervenor	

		Preservation of Affordable Housing)
04/12/2017	Filed	Opposition to Petitioner's Motion for emergency injunction (Intervenor D.C. Housing Authority)
04/13/2017	Filed	Appearance of Claude Bailey (Intervenor D.C. Housing Authority)
04/13/2017	Filed	Appearance of John F. Cooney (Intervenor D.C. Housing Authority)
04/13/2017	Filed	Statement in response to petitioner's motion for emergency injunction (Respondent)