

**DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS**  
RH-TP-16-30,842

In re: 3003 Van Ness Street, N.W., Unit W-1131

Ward Three (3)

**GABRIEL FINEMAN**  
Tenant/Appellant

v.

**SMITH PROPERTY HOLDINGS VAN NESS, L.P.**  
Housing Provider/Appellee

DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS  
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**MOTION TO STAY REMAND PENDING RESOLUTION OF PETITION FOR REVIEW**

Smith Property Holdings Van Ness, L.P. (hereinafter, "Smith") respectfully moves to stay the remand of the above-captioned matter to the Office of Administrative Hearings pending the resolution of Smith's Petition for Review filed in the District of Columbia Court of Appeals.

In support of this request, Smith shows the following:

1. On July 12, 2016 tenant/appellant Gabriel Fineman (hereinafter, "Tenant") filed tenant petition 2016-DHCD-TP 30,842 against Smith.
2. After the completion of summary judgment briefing, Administrative Law Judge Ann C. Yahner issued a final order on March 16, 2017. The final order denied Tenant's Motion for Summary judgment, granted Smith's Cross-Motion for Summary Judgment, and dismissed Tenant's petition with prejudice.
3. On March 30, 2017, Tenant filed a notice of appeal with the Commission. Both parties filed briefs and the Commission held a hearing on August 8, 2017.
4. On January 18, 2018, the Commission entered a decision and order reversing the March 16, 2017 final order and remanding the case to the Office of Administrative Hearings for further proceedings.

5. Smith filed a motion for reconsideration on February 6, 2018 and both parties submitted briefs.

6. On March 13, 2018, the RHC denied the motion for reconsideration, thus affirming the remand of the case to the Office of Administrative Hearings for further proceedings.

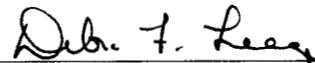
7. On April 11, 2018, Smith filed a Petition for Review with the District of Columbia Court of Appeals, attaching both the January 18, 2018 and March 13, 2018 Orders. (Exhibit 1, Petition for Review with attachments.)

8. On April 11, 2018, Mr. Fineman was contacted by email to request to this motion. Mr. Fineman responded that he does not consent.

WHEREFORE, Smith respectfully requests that the Office of Administrative Hearings stay the remand of the case until the District of Columbia Court of Appeals rules on Smith's Petition for Review.

Dated: April 11, 2018

Respectfully submitted,



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*Attorneys for SMITH PROPERTY HOLDINGS  
VAN NESS, L.P.*

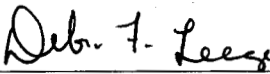
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**CERTIFICATE OF SERVICE**

I, Debra F. Leege, certify that on the 11th of April 2018, the foregoing ***MOTION TO STAY REMAND PENDING RESOLUTION OF PETITION FOR REVIEW*** was served via U.S. Mail, postage prepaid:

Gabriel Fineman  
4450 South Park Avenue  
Apartment 810  
Chevy Chase, Maryland 20815

  
\_\_\_\_\_  
Debra F. Leege

DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS  
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