

DISTRICT OF COLUMBIA COURT OF APPEALS

DEPARTMENT OF JUSTICE
COURT OF APPEALS

RUDOLPH SAUNDERS ET. AL.

Appellants

FILED

MAR 7 - 1968

v.

Original Nos.

4119 through

FIRST NATIONAL REALTY CORPORATION

Appellee

APPELLANTS OPPOSITION TO MOTION TO REASSIGN HEARING DATE

Comes now the appellants herein by and through their attorney, and for opposition to appellee's motion to reassign hearing date state to the Court as follows:

1. Final briefs were filed in this appeal in November, 1966. The lapse of time since then is approximately 16 months, during which time appellants have existed in the limbo of the inability to effectively pursue their claims for relief raised herein.

2. The recent decision of this Court in the case of Lilly Brown vs. Southall Realty Company, No. 4199, decided February 7, 1968, established legal relationships in landlord and tenant matters in a manner salutary to the rights and interests of appellants herein, conferring increased substance and immediacy upon the claims of appellants, underscoring the need for early decision of the claims herein and mitigating against any further delay.


3. Appellee's attorney has presented no materials or information in his motion which could lead this Court to believe that any matter of greater urgency exists elsewhere to justify the requested delay. The accommodation of appellee counsel's legal commitments in other Courts to a 45 minute appearance in this Court should be left to said counsel.

4. The pre-existing schedule of this hearing over the possible projected commencement of Court proceedings elsewhere presents sufficient cause for the denial of the instant motion.

5. Appellee's counsel furnishes this Court with no evidence, nor any allegation, of any official action of the office of the Clerk of Court of the United States District Court, through its assignment office, to firmly schedule and appoint the day for the commencement of the civil action identified by appellee's counsel in his instant motion, and therefore presents no justifiable cause for the requested reassignment.

WHEREFORE, the premises considered, appellants respectfully urge this Court to deny the motion of appellee's counsel for reassignment.

Respectfully submitted,


EDMUND E. FLEMING
Attorney for Appellants
Legal Aid Society of Polk County
1016 University Avenue
Des Moines, Iowa 50314
263-1193

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposition was mailed, postage prepaid, to Attorney for Appellee, Herman Miller, at his offices at 421 - 4th Street, Northwest, Washington, D. C., this 5th day of March, 1968.


EDMUND E. FLEMING