

**District of Columbia  
Court of Appeals**

No. 20-OA-8

IN RE: DC APPLESEED CENTER  
FOR LAW & JUSTICE, INC.,  
Petitioner.



BEFORE: Glickman and McLeese, Associate Judges, and Washington, Senior Judge.

**ORDER**

On consideration of the petition for writ of mandamus; this court's orders holding the petition in abeyance and directing status reports; the numerous responses by the parties including DISB's responses confirming it had communicated with the neighboring jurisdictions and issued a briefing schedule and petitioner's December 24, 2020, status statement confirming a briefing order had issued and requesting the court direct DISB to make the communications with the neighboring jurisdictions part of the record and to post them on its website; and it appearing that based upon the briefing schedule DISB will issue a final order in the coming months, it is

ORDERED that the petition for writ of mandamus is denied without prejudice to renewal if DISB fails to issue a final order within 45 days after briefing is complete. *See Banov v. Kennedy*, 694 A.2d 850, 857 (D.C. 1997) ("The requirements for issuance of a writ of mandamus are that the party seeking the writ must show that his right is "clear and indisputable, and that he has no other adequate means to obtain relief.") (quotation and citation omitted); *Yeager v. Greene*, 502 A.2d 980, 983 (D.C. 1985) ("We have recognized the writ of mandamus as an extraordinary remedy which may not be implemented as a substitute for an appeal and generally will not issue such a writ unless appellate review is unavailable."). It is

FURTHER ORDERED that petitioner's recent request that the court direct DISB to include its communications with neighboring jurisdictions Virginia and Maryland on the record and post them on its website based on this court's statement that, "[i]n general, formal agency adjudications such as this must be based on matters

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of record,” *see Appleseed Ctr. for Law & Justice, Inc. v. D.C. Dep’t of Ins., Sec. & Banking (Appleseed II)*, 214 A.3d 978, 989 (D.C. 2019), an issue which we take no position on at this time, is denied.

**PER CURIAM**

Copies e-served to:

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