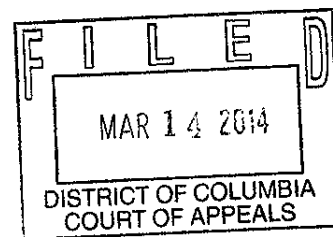


**District of Columbia  
Court of Appeals**

No. 14-CV-249



DISTRICT OF COLUMBIA,

Appellant,

v.

**2014 CAB 918**

MARY OATES WALKER, *et al.*,

Appellees.

BEFORE: Fisher and Easterly, Associate Judges, and King, Senior Judge.

**ORDER**

On March 10, 2014, the Superior Court granted appellees' motion for a preliminary injunction, enjoining the District of Columbia Board of Ethics and Government Accountability ("Ethics Board") from proceeding in its Case No. 1060-001 and also enjoining the Mayor from taking any further action to remove, terminate, or alter the employment status or pay or benefits of appellee Mary Oates Walker. An appeal was noted, and this matter is now before the court on appellant's emergency motion for an administrative stay, appellant's motion for stay pending appeal, the oppositions thereto, and the related filings and exhibits. On consideration thereof, it is

ORDERED that the motion for stay pending appeal is granted in part and denied in part. The preliminary injunction is stayed insofar as it precludes the Mayor from taking any further action to remove, terminate, or alter the employment status or pay or benefits of appellee Walker. *See generally Barry v. Washington Post Co.*, 529 A.2d 319, 320-21 (D.C. 1987) ("To prevail on a motion for stay, a movant must show that he or she is likely to succeed on the merits, that irreparable injury will result if the stay is denied, that opposing parties will not be harmed by a stay, and that the public interest favors the granting of a stay."). In issuing its injunction, the Superior Court relied upon the Mayor's letter proposing to remove appellee Walker from her position, and specifically a reference therein to the Ethics Board's Notice of Violation. However, the Mayor's authority to terminate this appointment is independent of any issue concerning the Ethics

**No. 14-CV-249**

Board's jurisdiction, *see* D.C. Code § 2-1831.04 (2012 Repl.), and in his letter the Mayor enumerated several reasons for initiating the removal process. It is

FURTHER ORDERED that the preliminary injunction is stayed insofar as it precludes the Ethics Board from ruling upon appellees' motion to dismiss its Case No. 1060-001. *See generally Genstar Stone Prods. Co. v. District of Columbia Dep't of Employment Servs.*, 777 A.2d 270, 272-73 (D.C. 2001) (explaining that "this court will not attempt to interpret [an] agency's statute until the agency itself has done so" and "will remand to permit the agency to engage in the necessary analysis of the legislation it is charged with carrying out"). It is

FURTHER ORDERED that in all other respects, the motion for a stay pending appeal is denied. It is

FURTHER ORDERED that all parties shall, within 20 days from the date of this order, show cause why the preliminary injunction against the Ethics Board should not be vacated in its entirety for lack of trial court jurisdiction on the ground that appellees failed to exhaust their administrative remedies because they filed their complaint for declaratory and injunctive relief and their motion for preliminary injunction prior to the filing or resolution of their motion asking the Ethics Board to dismiss the pending charges. *See Foley v. District of Columbia Board of Elections and Ethics*, 358 A.2d 305, 306 (D.C. 1976) ("It is a 'long settled rule of judicial administration that no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted.'" (citation omitted)). *See also Abadie v. District of Columbia Contract Appeals Bd.*, 843 A.2d 738 (D.C. 2004); *Bender v. District of Columbia Dep't of Employment Servs.*, 562 A.2d 1205 (D.C. 1989). It is

FURTHER ORDERED that appellant's motion for an administrative stay is denied as moot.

**PER CURIAM**

**No. 14-CV-249**

Copies to:

Honorable Brian F. Holeman

Director, Civil Division  
Civil Actions Branch

Todd S. Kim, Esquire  
Solicitor General – D.C.

James F. Hibey, Esquire  
1330 Connecticut Avenue NW  
Washington, DC 20036

William R. Martin, Esquire  
2121 K Street NW, Suite 850  
Washington, DC 20037

Anthony M. Conti, Esquire  
Daniel J. McCartin, Esquire  
Anwar L. Graves, Esquire  
36 South Charles Street, Suite 2501  
Baltimore, MD 21201

lerf/ledh