

**DISTRICT OF COLUMBIA  
OFFICE OF ADMINISTRATIVE HEARINGS**  
One Judiciary Square  
441 Fourth Street, NW, Suite 450 North  
Washington, DC 20001-2714  
TEL: (202) 442-9094  
FAX: (202) 442-4789

**DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS**  
2017 MAY 19 PM 12: 38

HARRY GURAL,  
Tenant/Petitioner,

v.

EQUITY RESIDENTIAL and  
SMITH PROPERTY HOLDINGS VANNESS  
LP,  
Housing Providers/Respondents.

Case No.: 2016-DHCD-TP 30,855

*In re:* 3003 Van Ness Street, NW  
S-707

**ORDER GRANTING MOTION TO QUASH**

On May 19, 2017, Housing Provider, through counsel, Debra Leege, Esq., filed a Motion to Quash a subpoena that was issued for the appearance and testimony of Avis Duvall, Housing Provider's employee, at a hearing in this case scheduled for May 22, 2017, and for Ms. Duvall to produce records related to rent increases demanded or implemented between May 17, 2014 and May 17, 2017. Tenant obtained the subpoena pursuant to OAH Rule 2934.1 and served it on Ms. Duvall via email.

Given the short time remaining before the hearing, I am issuing this Order without waiting for a response from Tenant. The Motion to Quash the subpoena is granted for two reasons. *See* OAH Rule 2824.13(a) and (b). First, Ms. Duvall was not personally served with the subpoena, in violation of OAH Rule 2824.7. Second, the subpoena was issued by a clerk pursuant to the reasons found in OAH Rule 2934.1. Tenant marked on the subpoena that illegal rent increases are the issue in this case. They are not. The only issue for the May 22, 2017 hearing is retaliation. Therefore, in order to obtain a subpoena for testimony regarding retaliation, Tenant must request that an Administrative Law Judge issue such a subpoena pursuant to OAH Rule 2824. OAH Rule 2934.2. Tenant did not do this.

Therefore, it is **HEREBY ORDERED** on this **19<sup>th</sup> day of May, 2017** that Housing Provider's Motion to Quash the subpoena of Avis Duvall is **GRANTED**.



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M. Colleen Currie  
Administrative Law Judge

**Certificate of Service:**

**By First-Class Mail (Postage Prepaid):**

Harry Gural  
3003 Van Ness Street, NW  
S-707  
Washington, DC 20008

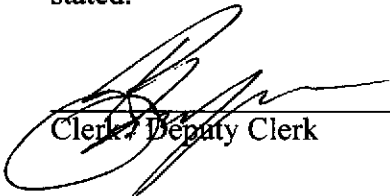
Debra F. Leege, Esq. and  
Richard Luchs, Esq.  
Greenstein Delorme & Luchs  
1620 L Street, NW  
Suite 900  
Washington, DC 20036

**AND Via email:**

Harry Gural:  
harrygural@gmail.com

Debra Leege:  
dfl@gdllaw.com

I hereby certify that on 5/19, 2017 this document was caused to be served upon the parties listed on this page at the addresses listed and by the means stated.

  
Clerk/ Deputy Clerk