

**DISTRICT OF COLUMBIA  
OFFICE OF ADMINISTRATIVE HEARINGS**

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HARRY GURAL,  
Tenant/Petitioner,

v.

EQUITY RESIDENTIAL/ SMITH PROPERTY  
HOLDINGS VANNESS LP,  
Housing Provider/Respondent.

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

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

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**ORDER DENYING WITHOUT PREJUDICE  
TENANT/PETITIONER’S MOTION TO APPEND DOCUMENTS TO LIST OF  
EXHIBITS**

This matter is before me on Tenant/Petitioner Harry Gural’s Motion to Append Documents to List of Exhibits filed on December 11, 2023. For the reasons stated below, Tenant/Petitioner’s Motion is denied without prejudice to refileing.

I issued an order on June 14, 2023, scheduling this matter for an evidentiary hearing on January 24, 2024 and, if necessary, January 25, 2024 and requiring the parties to identify, submit, and serve on the other party all documents they intend to offer into evidence and to name all witnesses they intend to call by no later than December 15, 2023. On July 31, 2023, Tenant/Petitioner submitted a request for permission to conduct discovery. By Order dated October 17, 2023, I permitted Tenant/Petitioner to submit a request for production of documents to Housing Provider. Tenant/Petitioner submitted that request on December 4, 2023.

In the motion before me, Tenant/Petitioner asserts that “[a]fter seeking legal advice about the proper method for submitting [a request for production of documents], on Dec. 4<sup>th</sup>, 2023, the Tenant submitted his Request to Housing Provider for the Production of Documents. Tenant believed he was giving the Housing Provider sufficient time to provide a limited number of internal documents and was not aware of any rule or other impediment to providing such documents.”<sup>1</sup>

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<sup>1</sup> Tenant Motion at page 2.

The OAH Rules do not address production of documents. However, where the OAH Rules “do not address a procedural issue, and Administrative Law Judge may be guided by the District of Columbia Superior Court Rules of Civil Procedure to decide the issue.”<sup>2</sup> Superior Court Civil Rule 34(b)(2)(A) provides that a party responding to a request for production of documents must respond in writing with responses and objections within 30 days after being served with the request. Thus, Housing Provider had 30 days from December 4, 2023 to respond to the request – or until January 4, 2024.

As of the date of this instant Order, Housing Provider was not yet required to respond – and by all accounts has not yet responded – to Tenant’s request with either responses or objections, and Tenant is therefore seeking in his motion to offer into evidence something that he does not have in his possession. In short, Tenant’s motion is premature.

Accordingly, Tenant’s request is **DENIED** without prejudice to refile if there are additional documents he comes into possession of that he would like to offer into evidence. Any such renewed motion must be filed by **no later than January 12, 2024**.

**So ordered.**

**This Order is dated when it is served, as certified on the Certificate of Service found at the end of this document.**

/s/ M. Colleen Currie  
M. Colleen Currie [Electronically signed]  
Administrative Law Judge

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<sup>2</sup> OAH Rule 2801.1.

**Certificate of Service:**

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

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3003 Van Ness Street, NW  
Washington, DC 20008

I hereby certify that on December 22, 2023 this document was caused to be served upon the above-named parties at the addresses and by the means stated.

          C. Draughn /S/            
Clerk / Deputy Clerk