

**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

**ORDER GRANTING HOUSING PROVIDER’S MOTION TO QUASH
SUBPOENA ISSUED TO AVIS DUVALL**

This matter is before me on Housing Provider/Respondent Equity Residential/Smith Property Holdings Vannes LP’s Motion to Quash Subpoena Issued to Avis DuVall. Before the evidentiary hearing commenced on January 24, 2024, I allowed the parties to argue this motion. For the reasons stated below, the Motion is granted.

Tenant/Petitioner Harry Gural requested, and I issued, four subpoenas for witnesses to appear in person at the evidentiary hearing on January 24, 2024. One of those subpoenas was issued to compel the attendance of Ms. Avis DuVall. Ms. DuVall lives in Mt. Airy, Maryland, approximately 39 miles from OAH. Housing Provider does not employ Ms. DuVall at this time and has not done so for several years. No information was provided regarding where Ms. DuVall works now.

Office of Administrative Hearings (OAH) Rule 2824 addresses the issuance and service of subpoenas in matters before OAH. A subpoena must be served by personally delivering the subpoena to the witness.¹ A subpoena may be served “at any place within the District of Columbia, or at any place outside of the District of Columbia that is within twenty-five (25) miles of the place of the hearing.”² An Administrative Law Judge may quash or modify a subpoena if it “[r]equires

¹ OAH Rule 2824.7.

² OAH Rule 2824.11.

a person who is not a party or an officer of a party to travel to a hearing more than twenty-five (25) miles from where that person resides, is employed, or regularly transacts business, except that such a person may be ordered to appear by telephone.”³

Ms. DuVall is not a party or an officer of a party, resides more than 25 miles from where the hearing was to be held, and was served more than 25 miles from where the hearing was to be held. The subpoena was therefore improperly served and outside of the reach of this administrative court.

Accordingly, Housing Provider/Respondent’s motion to quash the subpoena to compel the attendance of Avis DuVall at the hearing on January 24 2024 is **GRANTED**.

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

³ OAH Rule 2824.13(d).

Certificate of Service:

By First-Class Mail (Postage Prepaid):

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Washington, DC 20008

I hereby certify that on January 25, 2024 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