

**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 FRANCES NOLAN**

This matter is before me on Housing Provider/Respondent Equity Residential / Smith Property Holdings Vannes LP’s Motion to Quash Subpoena Issued to Frances Nolan. For the reasons stated below, the Motion is granted.

On December 19, 2023, Tenant/Petitioner Harry Gural filed a motion for subpoenas. I granted the motion and issued several subpoenas, including one directed to Equity Residential Senior Vice President Ms. Frances Nolan to compel her attendance in person at the evidentiary hearing scheduled in this matter at the Office of Administrative Hearings at 441 4th Street, NW, Washington, D.C. on January 24, 2024. Ms. Nolan at one time worked for Equity Residential in the greater D.C. metropolitan area, but she now works out of Equity Residential’s Chicago, Illinois office.

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. Nolan is an officer of a party, apparently 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. However, as Ms. Nolan is an officer of the party, Mr. Gural may submit for issuance by this administrative court a subpoena compelling Ms. Nolan’s attendance via videoconference on February 28, 2024, at 10:00 a.m., the date and time at which the evidentiary hearing will be continued.

Accordingly, **IT IS HEREBY ORDERED:**

1. 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**; and
2. Mr. Gural may submit for issuance by this administrative court a subpoena directed to Ms. Nolan to compel her attendance by videoconference on February 28, 2024 at 10:00 a.m., the continued date of the evidentiary hearing in this matter.

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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Equity Residential/ Smith Property Holdings VanNess LP
3003 Van Ness Street, NW
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