

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

<p>HARRY GURAL <i>Tenant/Petitioner,</i></p> <p style="text-align:center">v.</p> <p>EQUITY RESIDENTIAL MANAGEMENT and SMITH PROPERTY HOLDINGS VAN NESS LP <i>Housing Provider/Respondent</i></p>	<p>2016-DHCD-TP 30,855</p> <p><i>In re: 3003 Van Ness St. NW, S-707</i></p> <p>Chief Judge M. Colleen Currie</p>
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TENANT’S MOTION TO ISSUE SUBPOENAS FOR WITNESSES

Tenant respectfully requests, pursuant to 1 DCMR 2824, that the Court issue the subpoenas that are attached as Exhibit A, seeking to compel employees of Equity Residential to appear and testify at the evidentiary hearing in this matter. The employees are:

- Avis DuVall, General Manager, 3003 Van Ness, Equity Residential, 2015 – (date unknown)¹
- Julia Jackson, Leasing Manager, 3003 Van Ness, Dec. 2016 – present
- Stacey Aguiar, Regional Manager, DC Metro Area, Equity Residential, March 2014 – Feb. 2018; Senior Regional Manager, Feb. 2018 – Jan. 2019; Assistant Vice President, Jan. 2019 – Jan. 2023; Vice President Property Management, Jan. 2023 – present
- Frances Nolan, Vice President, DC Metro Area, Equity Residential, Jan. 2016 – March 2023; Senior Vice President, Jan. 2023 – present

In his Petition, Tenant asserts that Equity Residential and its employees deliberately and systematically overcharged him and took retaliatory actions against him. These four employees are those most closely involved or most likely to be knowledgeable about those events.

¹ According to the Housing Provider’s attorney, Avis Duvall no longer is employed by Equity Residential.

Specifically, Avis DuVall was directly involved with the negotiations with the Tenant regarding rent increases and was directly involved with retaliation against the Tenant. Julie Jackson worked in the 3003 Van Ness leasing office and was aware of and was responsible for implementing Equity Residential policies regarding rent increases, and she sent or received some of the emails that the Tenant has submitted as evidence.

Frances Nolan and Stacey Aguiar were senior Equity Residential employees with direct oversight of Equity's operations at 3003 Van Ness and in the Washington D.C. region. Senior management likely was responsible for determining Equity's policies regarding rent increases at 3003 Van Ness. Nolan and Aguiar both continue to hold senior positions with the company.

The employees of Equity Residential listed above either have direct knowledge of the Housing Provider's efforts to impose on the Tenant a rent increase that exceeds what is permitted under the Rental Housing Act, they were directly involved in retaliatory acts against the Tenant, or they had oversight over the Equity Residential employees who took these actions. For this reason, Tenant requests that the Court issue subpoenas to Equity Residential employees Avis DuVall, Julie Jackson, Stacey Aguiar, and Frances Nolan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'HARRY GURAL', with a stylized flourish at the end.

HARRY GURAL
Tenant/Petitioner pro se

Email: harrygural@gmail.com

Telephone: (202) 527-2280

Dated: December 19, 2023

CERTIFICATE REGARDING CONSENT

I certify that I have made a good-faith effort to ask the Housing Provider whether it consents to the relief sought in this motion. I did so by e-mailing counsel for Housing Provider on Dec. 19, 2023. Counsel for Housing Provider stated that “does not have to state its position as to your witnesses at this time.”

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Gural', with a stylized flourish at the end.

HARRY GURAL
Tenant/Petitioner *pro se*

Email: harrygural@gmail.com
Telephone: (202) 527-2280

Dated: December 19, 2023



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441 4TH STREET, NW, SUITE 450 NORTH
WASHINGTON, DC 20001-2714



Tel: (202) 442-9094 • Fax: (202) 442-4789 • Email: oah.filing@dc.gov

Harry Gural
Petitioner(s),

v.

Equity Residential Management
Respondent(s)

Case No(s): 2016-DHCD-TP 30,855

SUBPOENA TO APPEAR AND TESTIFY AT A HEARING

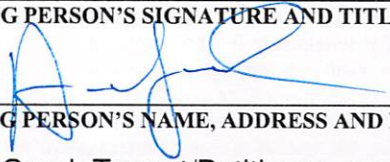
TO: Avis DuVall

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the above case.

LOCATION (if in-person hearing) or ACCESS INFORMATION (if remote hearing)	DATE	TIME
Office of Administrative Hearings 441 4th Street, NW Suite 450N Washington, DC 20001	Jan. 24, 2024 and Jan. 25, 2024	10:00 am

YOU MUST ALSO bring with you the following documents, electronically stored information, or objects.
(Leave blank if not applicable)

DOCUMENTS OR OBJECTS

ISSUING PERSON'S SIGNATURE AND TITLE (indicate if attorney for Petitioner or Respondent)	DATE
	12/19/2023
ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER	
Harry Gural, Tenant/Petitioner, pro se	

AUTHORIZING ADMINISTRATIVE LAW JUDGE	SIGNATURE	DATE

This subpoena is enforceable only when signed by an Administrative Law Judge.

PROOF OF SERVICE

SERVED ON (Print name) Avis DuVall	TITLE	
PERSONAL DELIVERY LOCATION		
SERVED BY (Print name)	DATE	TIME

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and that the foregoing information contained in the Proof of Service is true and correct.

Executed on: _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Submission of a false statement is a crime, punishable under D.C. Code § 22-2514

OAH Rules pertaining to responding to a subpoena and protecting a person subject to a subpoena

2824.10 A person or entity ordered to produce documents at a hearing: (a) Need not appear in person at the hearing unless ordered by an Administrative Law Judge to do so; (b) Shall produce the documents as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the subpoena; and (c) Shall expressly make any claims of privilege or protection with a description of the documents not produced that is sufficient to enable the requesting party to contest the claim.

2824.11 A subpoena may be served at any place within the District of Columbia, or at any place outside the District of Columbia that is within twenty-five (25) miles of the place of the hearing.

2824.12 To prove service of a subpoena, a party shall file a written statement or shall provide in-court testimony describing the date and manner of service, and names of the persons served.

2824.13 An Administrative Law Judge may quash or modify a subpoena if it: (a) Was issued under Subsections 2824.5, 2934.1 or 2984.1, but does not meet the requirements of those subsections; (b) Was improperly served; (c) Fails to allow reasonable time for compliance; (d) Requires 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; (e) Requires disclosure of a privileged or other protected information; or (f) Subjects a person or entity to undue burden or expense.

2824.14 If a person or entity disobeys a subpoena, an Administrative Law Judge may order compliance with the subpoena. If a person subject to the order fails to comply, the Administrative Law Judge may impose monetary sanctions. In addition, a party may apply to the Superior Court of the District of Columbia for an order to show cause why that person should not be held in civil contempt.

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- (2) *Claiming Privilege or Protection.*
 - (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation materials must: (i) expressly make the claim; and (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
 - (B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.



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Harry Gural
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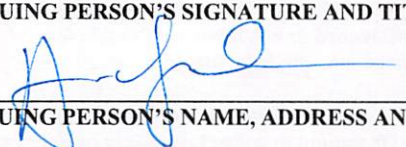
TO: Julie Jackson

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the above case.

LOCATION (if in-person hearing) or ACCESS INFORMATION (if remote hearing)	DATE	TIME
Office of Administrative Hearings 441 4th Street, NW Suite 450N Washington, DC 20001	Jan. 24, 2024 and Jan. 25, 2024	10:00 am

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DOCUMENTS OR OBJECTS

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	12/19/2023
ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER	
Harry Gural, Tenant/Petitioner, pro se	

AUTHORIZING ADMINISTRATIVE LAW JUDGE	SIGNATURE	DATE

This subpoena is enforceable only when signed by an Administrative Law Judge.

PROOF OF SERVICE

SERVED ON (Print name) Julie Jackson	TITLE Leasing Manager, Equity Residential	
PERSONAL DELIVERY LOCATION		
SERVED BY (Print name)	DATE	TIME

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and that the foregoing information contained in the Proof of Service is true and correct.

Executed on: _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

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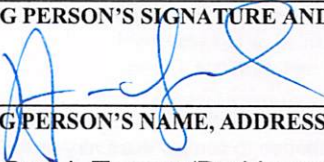
TO: Stacey Aguiar

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Harry Gural, Tenant/Petitioner, pro se	

AUTHORIZING ADMINISTRATIVE LAW JUDGE	SIGNATURE	DATE

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PROOF OF SERVICE

SERVED ON (Print name) Stacey Aguiar	TITLE VP Property Management, Equity Reside	
PERSONAL DELIVERY LOCATION		
SERVED BY (Print name)	DATE	TIME

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and that the foregoing information contained in the Proof of Service is true and correct.

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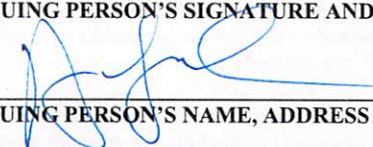
TO: Frances Nolan

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Harry Gural, Tenant/Petitioner, pro se	

AUTHORIZING ADMINISTRATIVE LAW JUDGE	SIGNATURE	DATE

This subpoena is enforceable only when signed by an Administrative Law Judge.

PROOF OF SERVICE

SERVED ON (Print name) Frances Nolan	TITLE Senior Vice President, Equity Residential	
PERSONAL DELIVERY LOCATION		
SERVED BY (Print name)	DATE	TIME

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and that the foregoing information contained in the Proof of Service is true and correct.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Tenant's Request to Housing Provider for Production of Documents was served on this 19th day of December, 2023, by email upon:

Richard W. Luchs (D.C. Bar No. 243931)
Spencer B. Ritchie (D.C. Bar No. 167352)
Greenstein, DeLorme and Luchs
801 17th Street, N.W., Suite 1000
Washington, DC 20006-3967



Dec. 19, 2023

Harry Gural
Tenant/Petitioner, *pro se*

3003 Van Ness St, NW #S-707
Washington, DC 20008