

**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 FRANCES NOLAN AND JESSE JENNEL**

Tenant respectfully requests, pursuant to 1 DCMR 2824, that the Court issue the subpoenas that are attached, seeking to compel employees of Equity Residential to appear and testify at the evidentiary hearing scheduled for Feb. 28, 2024 at 10:00 am via WebEx. The employees are:

- Frances Nolan, Senior Vice President, Equity Residential, Jan. 2023 – present
- Jesse Jennell, Senior Regional Manager, Equity Residential, May, 2008 – present

Respectfully submitted,



HARRY GURAL
Tenant/Petitioner pro se

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

Dated: Jan. 25, 2024

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 Jan. 25, 2024.

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: January 25, 2024

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing TENANT'S MOTION TO ISSUE
SUBPOENAS FOR FRANCES NOLAN AND JESSE JENNELL was served on this 25th
day of January 2024, by email upon:

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



Jan. 25, 2024

Harry Gural
Tenant/Petitioner, *pro se*

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



**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**
441 4TH STREET, NW, SUITE 450 NORTH
WASHINGTON, DC 20001-2714



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

_____ Petitioner(s), v. _____ Respondent(s)	Case No(s): <u>2016-DHCD-TP 30,855</u>
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SUBPOENA TO APPEAR AND TESTIFY AT A HEARING

TO: _____

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

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
ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER	

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)	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.

The OAH Rules also allow administrative law judges to be guided by the D.C. Superior Court Rules of Civil Procedure when the OAH Rules do not address a specific procedural issue. See OAH Rule 2801. Relevant D.C. Superior Court rules include the following:

SCR-CIV 45(d). Duties in Responding to Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
 - (A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
 - (B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
 - (C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
 - (D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (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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