

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

Cover Sheet for Electronic Filing

1. Check one of the boxes below.

The case number is: 2016 DHCD TP 30,855
Harry Gural v. Equity Residential
Management / Smith Property Holdings
Van Ness LP

This is a new case, and a case number has not yet been assigned.

2. Briefly describe the paper that you are filing:

Tenant's Opposition to Housing Provider Motion to Quash Subpoena to Jesse Jennell

3. My name, mailing address, telephone number, and e-mail address are:

Name: Harry Gural
Mailing Address: 144 Ridgeway Drive
City, State, Zip: Lewisburg, PA 17837

Telephone: (202) 527-2280
E-mail address: harygural@gmail.com
Representing: *pro se*

I agree to receive documents from the court at my email address. **Yes**

4. You should complete this form, save it to your computer, and then attach it to an e-mail, along with the papers you are filing. The e-mail address for filing papers at OAH is oah.filing@dc.gov. Papers sent to any other e-mail address will **not** be accepted for filing.

I sent a copy of the attached papers to all other parties or their representatives as listed below.

Person to Whom the Papers Were Sent:

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

Method of sending:

Mail Commercial Carrier
 Fax (Give Fax number)
 Hand delivery
 Email (only if the person has agreed; provide email address sbr@gdllaw.com; RWL@gdllaw.com)

Date the papers were sent: Feb. 22nd, 2024

**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:</i> 3003 Van Ness St. NW, S-707</p> <p>Chief Judge M. Colleen Currie</p>
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**TENANT’S OPPOSITION TO HOUSING PROVIDER MOTION TO QUASH
SUBPOENA TO JESSE JENNELL**

Tenant/Petitioner Harry Gural submits his opposition to the Housing Provider’s Opposed Motion to Quash Subpoena to Jesse Jennell.

Jesse Jennell is one of the Equity Residential employees who was most closely involved with the events described in the Tenant Petition filed in August 2016. His name appears on emails with the Tenant, and emails between Jennell and other Equity Residential employees on matters directly related to the Tenant’s petition. Jennell continues to work for Equity Residential as a Senior Regional Manager, located in Los Angeles, CA.

On Jan. 24th, 2024, the Tenant filed a Motion with the court requesting subpoenas for Jesse Jennell and for Frances Nolan. The Court granted the subpoenas on Feb. 5, 2024.

(EXHIBIT A)

Jennell was served the subpoena in person by a professional process server, Same Day Process Server, on February 8, 2024. He was served at his home at 348 Hauser Boulevard,

Apartment 323, in Los Angeles, CA. An Affidavit of Process Server was sworn and signed by process server Jorge Rivera on Feb. 14, 2024. (EXHIBIT B)

According to OAH rule 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.” The hearing on Feb. 28, 2024, will be held via the WebEx, allowing Jennell to appear from his home or workplace if he chooses. The Feb. 28th hearing will be conducted, as far as Jennell is concerned, from his living room or den. Jennell has been served at home, well within the 25-mile requirement of Rule 2824.11.

Upon receiving the Housing Provider’s Opposed Motion to Quash Subpoena of Jesse Jennell, the Tenant decided to duplicate service to Jesse Jennell by instructing Same Day Process Server to serve Jennell via Equity Residential’s designated agent in Washington, DC – CT Corporation System. The subpoena was delivered to CT Corporation System on Feb. 22, 2024, more than four days before the Feb. 28 evidentiary hearing. The person served was Reza Lustig, an Intake Specialist and Authorized Agent for CT Corporation System. The process server was Henry Louis Grau. The signed Affidavit of Process will be forwarded to the Court and the Housing Provider when it is received, likely on Feb. 23rd, 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: February 22, 2024

EXHIBIT A



**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

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: Jesse Jennell

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
https://globalpage-prod.webex.com/join Access Code: 2308 214 0684 Password: 9VYbMP5wFD6 https://dcnet.webex.com/dcnet/j.php?MTID=ma5c7cc363f8921d9f96cf82c36185e1c	Feb. 28, 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
	1/25/2024
ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER	
Harry Gural, Tenant/Petitioner, pro se	

AUTHORIZING ADMINISTRATIVE LAW JUDGE	SIGNATURE	DATE
M. Colleen Currie		2-5-2024

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

PROOF OF SERVICE

SERVED ON (Print name) Jesse Jennell	TITLE Senior Regional Manager, Equity Resider	
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.

EXHIBIT B

AFFIDAVIT OF PROCESS SERVER

District of Columbia Office of Administrative Hearings

Harry Gural

Plaintiff(s),

vs.

Equity Residential Management

Defendant(s).

Attorney: NONE

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



311068

Case Number: 2016-DHCD-TP 30,855

Legal documents received by Same Day Process Service, Inc. on **02/08/2024** at **3:20 PM** to be served upon **Jesse Jennell at 348 Hauser Boulevard, Apartment 323, Los Angeles, CA 90036**

I, **Jorge Rivera**, swear and affirm that on **February 09, 2024** at **4:52 PM**, I did the following:

Personally Served Jesse Jennell the person listed as the intended recipient of the legal document with this **Subpoena to Appear and Testify at a Hearing at 348 Hauser Boulevard, Apartment 323 , Los Angeles, CA 90036.**

Description of Person Accepting Service:

Sex: Male Age: 40-50 Height: 5ft4in-5ft8in Weight: 131-160 lbs Skin Color: Caucasian Hair Color: Blonde

Supplemental Data Appropriate to this Service:

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

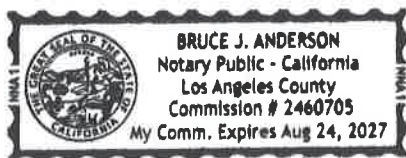
Sworn to and subscribed before me on

February 14, 2024

X
Notary Public

Jorge Rivera
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job ID:311068



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Tenant's Opposition to Housing Provider Motion to Quash Subpoena to Jesse Jennell was served on this 22nd day of February, 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



Feb. 22, 2024

Harry Gural
Tenant/Petitioner, *pro se*

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