

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

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| <p>HARRY GURAL Tenant/Petitioner,</p> <p style="text-align:center">v.</p> <p>EQUITY RESIDENTIAL MANAGEMENT Housing Provider/Respondent.</p> | <p>Case No.: 2016 DHCD TP 30,855</p> <p>3003 Van Ness Street, N.W. Apt. S-707 Administrative Law Judge: M. Colleen Currie</p> |
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TENANT OPPOSITION TO HOUSING PROVIDER’S MOTION TO QUASH SUBPOENA OF AVIS DUVALL

Tenant/Petitioner Harry Gural (“Tenant”) submits his motion in opposition to the Housing Provider’s Motion to Quash Subpoena of Avis Duvall. In support hereof, Tenant submits the attached Memorandum of Points and Authorities.

Respectfully submitted,

/s/ Harry D. Gural

Harry Gural, Tenant/Petitioner

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

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

May 19, 2017

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Tenant Opposition to Housing Provider's Motion to Quash was served on this 19 day of May by first-class mail, postage pre-paid and by email upon:

Richard W. Luchs (D.C. Bar No. 243931)
Joshua M. Greenberg (D.C. Bar No. 489323)
Debra F. Leege (D.C. Bar No. 497380)
1620 L Street, N.W. Suite 900
Washington, DC 20036-5605

/s/ Harry D. Gural

Harry Gural
Tenant/Petitioner, *pro se*

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
TENANT’S OPPOSITION TO HOUSING PROVIDER’S MOTION TO QUASH SUBPOENA OF AVIS DUVALL**

Tenant/Petitioner Harry Gural (“Tenant”) submits his memorandum of points and authorities in support of his Opposition to Housing Provider’s Motion to Quash Subpoena by Avis Duvall. In support hereof, Tenant states as follows:

On May 17, Tenant issued a subpoena to Equity Residential Property Manager Avis Duvall requesting her appearance to testify on the evidentiary hearing on his claim of retaliation to take place Monday, May 22 at 9:30 am.

The Tenant must have an ability to ask questions of Ms. Duvall in court in order to get her direct testimony on the charge of retaliation. Ms. Duvall was in some cases may have been the instigator of these actions. In other cases she certainly was witness to them. Quashing the subpoena of Ms. Duvall would deprive the Tenant of a fair hearing of his claim of retaliation.

The Housing Provider’s attorney claims that Ms. Duvall was not served properly because she was not served by hand and did not sign for delivery. However, the Tenant/Petitioner requests latitude in his actions before the court including filings because he is acting *pro se*. The DC Superior Court’s Rules of Procedure allow *pro se* latitude. Rule 13 cites *Padou vs. District of Columbia* (October 3, 2013) in support of this practice.

However, the Housing Provider’s attorney has omitted critical information in its request to quash the subpoena to Ms. Duvall. It has noted in its motion only the fact that the subpoena was emailed to Ms. Duvall and slipped under the door of her leasing office.

- 1) The Tenant, acting *pro se*, does not have at his call a professional service that can serve a subpoena by hand. He flew from Washington to Boston on the morning of Friday, May 19, 2017, leaving 3003 Van Ness before the leasing office opening.
- 2) The subpoena was also sent by UPS overnight express to the Housing Provider's attorney, Greenstein, DeLorme and Luchs, Wednesday, May 17.
- 3) The subpoena also was emailed to the Housing Provider's attorney in PDF format on Wednesday, May 17.
- 4) The subpoena was mailed via first class mail to Ms. Duvall's office as required by the rules of service.
- 5) The Tenant/Petitioner attempted to serve Ms. Duvall by hand on Friday, May 19, 2017. However, Equity Residential suddenly announced after 5:00 pm on Thursday, May 18 that the leasing office would be closed on Friday, May 19.
- 6) Ms. Duvall failed to respond to a request asking where she could be found to accept hand service on Friday, May 19.

In addition, Ms. Duvall is scheduled to appear at the hearing on retaliation on May 19 as a witness for the Housing Provider. There is no reason she should not be able to answer questions about matters with which she is closely acquainted, and for which she is the point person for the Housing Provider. For the reasons stated above, the Tenant should be afforded to ask questions of her at that hearing that can shed light on his claim of retaliation.

Respectfully submitted,

/s/ Harry D. Gural

Harry Gural, Tenant/Petitioner *pro se*

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