

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

<p>HARRY GURAL Tenant/Petitioner,</p> <p style="text-align: center;">v.</p> <p>EQUITY RESIDENTIAL MANAGEMENT / SMITH PROPERTY HOLDINGS VAN NESS LP Housing Provider/Respondent.</p>	<p>Case No.: 2016 DHCD TP 30,855</p> <p>In re: 3003 Van Ness Street, N.W. Apt. S-707</p> <p>Administrative Law Judge: M. Colleen Currie</p>
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TENANT’S MOTION FOR DISCOVERY

Harry Gural (“Tenant”) moves for Discovery in his Tenant Petition against Equity Residential Management / Smith Property Holdings Van Ness LP (“Housing Provider”).

While the Rules of Practice and Procedure of the Office of Administrative Hearings *generally* do not permit discovery, Rule 2825.1 states that “an Administrative Law Judge may authorize discovery for good cause shown...”

The Tenant argues that discovery is necessary because the Housing Provider previously has claimed that its actions that appear to be acts of retaliation against the Tenant were unintentional – for example, charges to his account which triggered a downgrade of the Tenant’s credit rating. The Tenant plans to argue that this action, as well as other alleged acts of retaliation in his Tenant petition, were intentional.

While some relevant information regarding intentionality is part of the public record, and some information likely will be revealed in the testimony of Housing Provider employees, the process of discovery likely will yield decisive information. Obtaining this information is the “good cause” required by Rule 2825.1.

The tenant specifically requests the right to file interrogatories and to conduct depositions with Housing Provider employees. While Rule 2825.1 states that “interrogatories and depositions are disfavored,” these also may be allowed for good cause. Tenant argues that interrogatories and

depositions lessen the need for extensive examination and cross-examination of Equity Residential employees during the hearing before the Administrative Law Judge, and that they can reveal far more relevant and perhaps decisive information than a hearing that is conducted “live.”

Specifically, the Tenant requests to conduct depositions with or submit interrogatories to these current Equity Residential employees: Stacy Aguiar, Equity Residential Vice President of Property Management; and Frances Nolan, Equity Residential Senior Vice President.

In addition, Tenant requests the right to submit interrogatories to these former Equity Residential employees who directly handled his leases and rent increases: Avis Duval, former 3003 Van Ness General Manager; Jesse Jennell, former Equity Residential General Manager; Marco Cruz, former Equity Residential Community Administrator; and Merci Kearney, former Equity Residential Community Administrator.

Regarding documents, the Tenant specifically requests that the Housing Provider provide, under oath and penalty of perjury, any document, email, or information in any other digital or printed form, held by the Housing Provider containing the words “Harry Gural” or “Gural.”

The Tenant respectfully requests that the Administrative Law Judge provide additional instruction about whether such information should be obtained by a subpoena submitted by the Tenant, or whether the Tenant should request that the Administrative Law Judge submit such a subpoena to the Housing Provider.

Respectfully submitted,



Harry Gural, Tenant/Petitioner
144 Ridgeway Drive
Lewisburg, PA 17837

July 31, 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Brief of Appellant/Tenant was served on this 31st day of July, 2023, by priority mail, postage pre-paid and by email upon:

Natasha N. Mishra (D.C. Bar No. 1616440)
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



July 31, 2023

Harry Gural
Tenant/Petitioner, *pro se*

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