

Office of Admin
Hearings

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS

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2019 JUN 18 PM 12: 26

RC
441 4th Street NW
Suite 450N
WASH. D.C. 20001

GABRIEL FINEMAN

Tenant/Petitioner,

v.

SMITH PROPERTY HOLDINGS VAN NESS

L.P.,

Housing Provider/Respondent.

Case No.: 2019-DHCD-TP 31,214

In re: 3003 Van Ness Street, NW

Unit W1131

CASE MANAGEMENT ORDER

On April 30, 2019, Tenant/Petitioner Gabriel Fineman filed a tenant petition with the Rent Administrator's office alleging violations of the Rental Housing Act of 1985. A copy of the tenant petition is enclosed with the Housing Provider/Respondent Smith Property Holdings Van Ness, L.P.'s copy of this Case Management Order (CMO). The Rent Administrator transmitted the petition to the Office of Administrative Hearings (OAH) to conduct the hearing and perform other adjudicatory functions.


Therefore, it is, this 18th day of June, 2019

ORDERED, that the parties must appear for a **prehearing conference on July 19, 2019, at 11:00 a.m.**, at the Office of Administrative Hearings, **441 4th Street, NW, Suite 450N (the fourth floor on the north side of the building), Washington, DC 20001**. Be sure to bring a photo identification card to enter the building. **If you do not appear for the hearing, you may lose the case.**

At the conference, the parties shall be prepared to discuss the following issues:

1. The amount of time necessary for the hearing;
2. The factual and legal issues for the hearing;
3. Any legal issues that need to be resolved prior to the hearing;
4. Any procedural or evidentiary issues that the parties anticipate;
5. Whether the parties will agree to submit the dispute to non-binding mediation facilitated by a neutral OAH judge to try to narrow the issues or resolve the dispute prior to the hearing; and
6. Any other matters that may facilitate the just and speedy resolution of the petition.

PLEASE READ THE IMPORTANT INFORMATION REGARDING YOUR HEARING THAT FOLLOWS.



Ann C. Yahner
Principal Administrative Law Judge

****IMPORTANT INFORMATION REGARDING YOUR HEARING****

This petition is governed by the Rental Housing Act of 1985, D.C. Official Code §§ 42-3501.01-3509.07; the District of Columbia Administrative Procedure Act, D.C. Official Code §§ 2-501-510; the District of Columbia Municipal Regulations, 14 DCMR 4100-4399, and OAH Rules of Practice and Procedure, 1 DCMR 2920 – 2941 and 1 DCMR 2800-2899. A copy of the OAH rules are available at OAH at www.oah.dc.gov. The substantive rules governing the rental housing cases are found at 14 DCMR 4100-4300 and are available at www.os.dc.gov or <http://www.dcregs.org>.

I. Filing Motions and Documents

You are also required to mail a copy of anything you file with this administrative court to the opposing side at the party's most recent address on the same day it is filed with OAH. *See* OAH Rules 2810.4 and 2811.2. OAH Rule 2924 requires that any exhibits, items, or papers filed with this administrative court must contain a certificate of service that states that you mailed or delivered a copy of the documents to the opposing party, the manner of service, and the date of service. Failure to include a certificate of service will result in your filing being rejected. Certificates of Service forms are available at OAH and on the website at <http://oah.dc.gov/node/176542>. Motions and documents not to exceed 40 pages may be filed by email at OAH.Filing@dc.gov. *See* OAH Rule 2841.

II. Subpoenas

The Clerk can issue up to three subpoenas for the housing provider side and up to three subpoenas for the tenant side of this case. OAH Rule 2934.1. These subpoenas may be used to compel:

- (a) The appearance at a hearing of any witnesses, including housing inspectors, with knowledge of conditions, repairs, or maintenance in a party's rental unit or any common areas for the three (3) year period immediately before the filing of the petition with the Rent Administrator;
- (b) The production at or before a hearing of all records not created by a government agency, relating to conditions, repairs, or maintenance to a party's rental unit or any common areas for the three (3) year period

immediately before the filing of the petition with the Rent Administrator;

- (c) The production at or before a hearing of housing violation notices in the possession of the Department of Consumer and Regulatory Affairs relating to a party's rental unit or any common areas for the three (3) year period immediately before the filing of the petition with the Rent Administrator.
- (d) The production at or before a hearing of all records in a housing provider's possession relating to any rent increases demanded or implemented for a party's rental unit for the three (3) year period immediately before the filing of the petition with the Rent Administrator.

If a party requires more than three subpoenas, you must file a request with the Administrative Law Judge in accordance with OAH Rule 2824.

III. Documents on File with the Rental Accommodations Division

The Administrative Law Judge is an independent, neutral decision maker, who is not associated with the Rental Accommodations Division (RAD) of the Department of Housing and Community Development. The Administrative Law Judge will decide the case based upon the evidence presented by the parties at the hearing. The Administrative Law Judge **WILL NOT REVIEW** the RAD's files for documents that support either party's case. If either party to this case wants the Administrative Law Judge to consider any documents in the RAD's files, it is that party's responsibility to bring to the documents to the hearing. The documents should have an original RAD file stamp or legible copy of the original file stamp.

IV. You Have the Following Rights at the Hearing

- The right to testify and explain your position to the Administrative Law Judge, bring witnesses to testify for you, and question witnesses called by the other party;
- The right to submit documents, photographs, or other evidence that supports your case;
- You may represent yourself or have a lawyer represent you. OAH has enclosed a list of legal service providers. Parties can contact one of the provider's on the list or use another means to retain a lawyer;

- If you wish to be represented by an attorney, the attorney must comply with OAH's rules for representation (OAH Rule 2833.2);
- A tenant may be represented by a tenant association;
- A housing provider that is a corporation or partnership may be represented by an officer, director, partner or employee that it designates as its representative;
- A property owner may be represented by an officer or employee of a property management company for the premises at issue in the case.

V. Motions to Continue a Hearing

A scheduled hearing date and time will not be changed unless there is good cause for changing the date. If you believe there is good cause for changing the scheduled hearing date or time, you must file a motion for a continuance in accordance with OAH Rule 2813. The OAH rules require you to contact the other party and request their consent to the continuance. **Only an Administrative Law Judge can change a scheduled hearing date. If you do not receive an order granting the motion to continue the hearing, you are required to appear at the date and time that appear in this Case Management Order.**

VI. SERVICEMEMBERS' RIGHTS

If you are a member of the United States Armed Forces on active duty, you may have certain rights under the Servicemembers Civil Relief Act 50 U.S.C.S. Appx. § 501 *et seq.*, including the right to have this case postponed while you are on active duty. If you think you may qualify under this law, you should notify the Office of Administrative Hearings before the date of your hearing to ensure that your rights are protected.

**Certificate of Service:
By First-Class Mail (Postage Prepaid):**

Gabriel Fineman
4450 South Park Avenue
#810
Chevy Chase, MD 20815

Smith Property Holdings Van Ness L.P.
c/o Josh Luper
3003 Van Ness Street, NW
Washington, DC 20008

I hereby certify that on June 18, 2019 this document was caused to be served upon the parties listed on this page at the addresses listed and by the means stated.

A handwritten signature in black ink, appearing to be 'JL', written over a horizontal line.

Clerk / Deputy Clerk/Paralegal