GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS Appellee	*	
v.	*	Appeal No. 16947
KURI BROTHERS, INC. Appellant	*	

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APPELLANT'S RESPONSES TO EXHIBITS

Appellant Kuri Brothers, Inc. ("Appellant"), by and though Tamir Damari, its undersigned counsel, hereby files these responses to the Exhibits of the Department of Consumer and Regulatory Affairs, Charles E. Smith Residential and ANC 3F.

1. Appellant has not received any additional Exhibits from the Department of Consumer and Regulatory Affairs, Charles E. Smith Residential or ANC 3F since April 8, 2003, the date of the last hearing before the Board in this matter. As such, Appellant assumes that none of these parties plan to introduce any Exhibits other than the Exhibits previously identified and provided to Appellant on April 8, 2003. In the event additional Exhibits are sought to be introduced, Appellant will strenuously object to their admission.

2. Appellant has no objections to the Exhibits of Charles E. Smith Residential.

3. Appellant withdraws all objections to the Exhibits of the Department of Consumer and Regulatory Affairs.

4. With respect to the Exhibits of ANC 3F, Appellant states as follows:

BZA
Case No. 16947
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO.16947
EXHIBIT NO.43

i. Appellant objects to the six-page narrative summary identified as the "Testimony of Karen Perry". This summary is replete with statements outside the personal knowledge of Ms. Perry, hearsay statements, statements of opinion, legal conclusions, "factual" assertions that are irrelevant to the case sub judice and "factual" assertions that are duplicative of other evidence previously introduced. Moreover, as a practical matter, it would be nearly impossible and extraordinarily time-consuming to cross-examine Ms. Perry regarding this six-page statement. The interests of judicial efficiency and the expeditious adjudication of this case will be best served if Ms. Perry's testimony is restricted to ***relevant facts*** within her ***personal knowledge***.

ii. Appellant reserves the right to object to the chart entitled "History of 4221 Connecticut Ave. and Certificates of Occupancy" identified as ANC 3F Exhibit 2, on the grounds that it is comprised entirely of "factual" assertions beyond the personal knowledge of Ms. Perry. Moreover, this chart improperly contains the legal conclusions of Ms. Perry, and mischaracterizes prior determinations of Administrative Law Judges and this very Board. This chart is nothing more than a legal Memorandum "disguised" as an Exhibit, and is not evidence.

iii. Appellant reserves the right to object to ANC 3F Exhibit 3. Firstly, Appellant cannot discern what the first page of this Exhibit (what appears to be a hand-written note) purports to represent, or whether Ms. Perry can properly authenticate this Exhibit. As to the second portion of the Exhibit (what appears to be a transcript from a public hearing on October 9, 1940), Appellant reserves the right to object to this

portion of the Exhibit on the grounds of relevance, absent a showing, inter alia, that the zoning regulations relevant to the instant case were in effect and applicable to 4221 Connecticut Ave. N.W. as of October 9, 1940. As to the third portion of the Exhibit (what appears to be a transcript from a public hearing on June 16, 1965), Appellant reserves the right to object to this portion of the Exhibit on the grounds, inter alia that this portion of the Exhibit appears to contain only a portion of the relevant hearing transcript.

iv. Appellant objects to the admission of ANC 3F Exhibit 4 to the extent it depicts 4225 Connecticut Ave. N.W., which property is not the subject of the instant appeal.

v. Appellant objects to the admission of ANC 3F Exhibit 5 since it relates entirely to 4225 Connecticut Ave. N.W., which property is not the subject of the instant appeal. Moreover, this Exhibit pertains to purported zoning violations which are completely unrelated to the alleged zoning violations at issue in the case sub judice

vi. Appellant objects to the admission of ANC 3F Exhibit 12 on the grounds that it is hearsay, and otherwise lacks foundation and authenticity.

Respectfully submitted,

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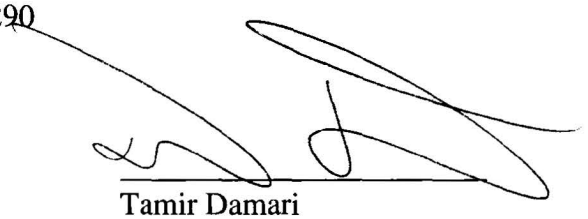
CERTIFICATION OF SERVICE

I hereby certify that on May 6, 2003, a copy of the foregoing document was sent via U.S. Mail, postage prepaid to the following:

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