JOSEPH A. CAMARDO, JR.
ATTORNEY AT LAW
127 GENESEE STREET
AUBURN, NEW YORK 13021
WWW.CAMARDO.COM

JOSEPH A. CAMARDO, JR.
NANCY M. CAMARDO*
*admitted to Georgia Bar only
KEVIN M. COX
BRIAN J. SMITH
KEVIN P. RYAN

MANAGER-GOVERNMENT COST/PRICE ANALYST
JOSEPH W. NORRIS, M.B.A.

PHONE: (315) 252-3846
FAX: (315) 252-3508
E-MAIL: JCAM123@AOL.COM

Via Overnight Courier

July 3, 2003

16998

Geoffrey H. Griffis, Chairperson
DC Office of Zoning
Board of Zoning Adjustment
441 4th Street, NW
Suite 210 South
Washington, DC 20001

Re: Appeal of ANC 5B Re: 2210 Adams Place, NE

Dear Mr. Griffis:

Enclosed herewith please find fourteen (14) copies of Bannum, Inc.'s Motion to Strike the Improper Submission of Evidence in the above matter.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

Kevin M. Cox

Cc: Bannum, Inc., via fax & mail
Donald Temple, Esq., via fax & mail
Bennett Rushkoff, Esq., via fax & mail
Shawn Whittaker, Esq., via fax & mail

BZA
Case No. 16998
Exhibit No. 66

Board of Zoning Adjustment
District of Columbia
CASE NO. 16998
EXHIBIT NO. 66

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of ANC 5B	)	
	)	BZA Appeal No. 16998
Re: 2210 Adams Place, N.E.	)	

MOTION TO STRIKE THE IMPROPER SUBMISSION OF EVIDENCE

By facsimile dated July 3, 2003, Donald Temple, attorney for Appellant, sent to undersigned counsel for Bannum his latest filing with the Board. Bannum hereby objects to, and moves to strike, Appellant's filing as incomplete and improper based on the following:

1. Mr. Temple's July 3, 2002 filing contained among other things, a five-minute video. However, Mr. Temple has not provided Bannum with a copy of the video filed. Furthermore, since this five-minute video is part of a two-hour video which Mr. Temple has already withdrawn based on several representations to the BZA, this is highly inappropriate and should be stricken. In fact, during the June 17, 2003 hearing, the Board's counsel, Lori Monroe, specifically advised Mr. Temple that the tapes were withdrawn, and they should remain withdrawn. Mr. Temple's eleventh hour attempts to back-door the tapes into the record, after he has already completed presentation of his case, and in blatant defiance of Ms. Monroe's admonition, is highly improper.

2. Also, Mr. Temple allegedly supplemented the record with Bannum's contract. However, in the facsimile sent to undersigned counsel on this day from Mr. Temple, he only provided me with "Section I," which is just boilerplate terms and conditions bearing absolutely no relevance to the instant appeal.

BZA
Case No. 16998
Exhibit No. 66

3. Bannum further objects to Apellant's submission as Exhibit 34 was also not attached to the facsimile sent on this day to undersigned counsel.

4. The foregoing submission is an ex parte communication by Mr. Temple with the Board, and is highly inappropriate.

5. Mr. Temple's attempts to introduce a doctored tape into evidence is equally inappropriate.

WHEREFORE, based on the foregoing, Mr. Temple's submission should be stricken as it clearly violates the Rules of this Board.

Dated: July 3, 2003

Respectfully submitted,

Joseph A. Camardo, Jr.
127 Genesee Street
Auburn, New York 13021
Tel: (315) 252-2846
Fax: (315) 252-3508

Attorney for Intervenor Bannum, Inc.

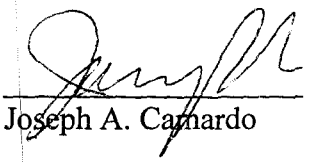
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion to Strike the Improper Submission of Evidence was served this 3rd day of July, 2003, by facsimile transmission and first-class mail, postage prepaid, to the following:

Donald Temple, Esq.
Temple Law Offices
1200 G Street, N.W.
Suite 370
Washington, D.C. 20001
Counsel for Appellant ANC 5B

Bennett Rushkoff, Esq.
Civil Division
Office of Corporation Counsel

441 4th Street, N.W. Suite 540N
Washington, D.C. 20001

By: 
Joseph A. Camardo