

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
FOR THE DISTRICT OF COLUMBIA**

APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR FOR THE DISTRICT OF  
COLUMBIA, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
SUBDIVISION OF LOT 108 ON SQUARE 192

In re	)	
	)	Case No.20453
Appeal of Dupont East Civic	)	
Action Association)	)	
	)	
_____	)	

In re	)	
	)	
Appeal of Michael D. Hays	)	Case No. 20452
	)	
_____	)	

**RESPONSE OF APPELLANTS DUPONT EAST CIVIC ACTION  
ASSOCIATION AND MICHAEL D. HAYS TO  
DCRA’S MOTION TO CONSOLIDATE**

Appellants Dupont East Civic Action Association and Michael D. Hays (collectively “Appellants”), through counsel, hereby submit this response to DCRA’s motion to consolidate the two above cases.

Appellants recognize that these two cases have some overlap and share one of the two experts. Further, Appellants have no objection to the cases being heard at the same time and the Board issuing a single decision. To that extent, Appellants do not oppose consolidation.

However, Appellants are both parties, and each party has the right to cross-examine and present witnesses, and otherwise present that party’s case, subject to the Board’s inherent power to manage the cases in an efficient and fair manner. To the extent that the consolidation DCRA proposes would inhibit Appellants’ rights, they oppose consolidation.

**CONCLUSION**

For all the above reasons, Appellants request that the Board not consolidate these cases in any manner that would restrict each Appellant's right to present witnesses, cross-examine opposing witnesses, and otherwise argue and present that Appellant's case.

Respectfully submitted,

For Dupont East Civic Action Association

/s/Edward Hanlon

Edward Hanlon

For Michael D. Hays

/s/Michael D. Hays

Michael D. Hays

**Certificate of Service**

I hereby certify that, pursuant to 11-Y DCMR §§ 205.3(e) and 302.15, a copy of the foregoing Response of Appellants Dupont East Civic Action Association and Michael D. Hays to DCRA's Motion to Consolidate has been served, this 10th day of May, 2021, upon the following by email:

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/s/ Michael Hays  
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