

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Washington, D.C. 20001**

Appeal by Michael D. Hays
Appeal by DuPont East Civic Action Assoc.

BZA Appeal No. 20452
BZA Appeal No. 20453

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS’
PARTIAL CONSENT MOTION *IN LIMINE* TO
BAR THE TESTIMONY OF RAVI RICKER**

The D.C. Department of Consumer and Regulatory Affairs (“DCRA”), by and through counsel, and for its *Motion in Limine to Bar the Testimony of Ravi Ricker*, states as follows:¹

DCRA moves to bar the testimony of Ravi Ricker *in limine*, pursuant to 11 DCMR Subtitle Y § 506.1 (b) and (e). *See, also*, Subtitle Y § 408.9, *citing* D.C. Code §2-509(b) (. . . every agency shall exclude irrelevant, immaterial, and unduly repetitious evidence). It is anticipated that the Appellants will seek to qualify and introduce the testimony of their purported expert Ravi Ricker (“Mr. Ricker”).² Mr. Ricker is a licensed architect in the State of Illinois.³ Furthermore, Mr. Ricker’s entire resume and professional experience is solely limited to projects in and around Chicago. Mr. Ricker is not licensed in the District, has no experience working on any building projects in D.C., and most importantly, has no expertise or experience with respect to the District’s zoning regulations. Although Mr. Ricker may have architectural experience in Illinois, there is no basis to qualify him as an expert with respect to D.C. zoning matters in these appeals. Accordingly, DCRA objects to his purported testimony and asks that the Board bar him as an expert.

It is clear that Mr. Ricker cannot offer any relevant testimony. Particularly glaring is that Mr. Ricker’s own report in which he expressly concedes that he is unable to opine on the Temple

¹ On July 2, 2021, DCRA received consent from the Motion from counsel for Lessee Persus TDC (via e-mail). DCRA did not receive a response to the request from either Michael D. Hayes or DuPont East Civic Action Assoc.

² BZA Appeal 20453 Exhibit 6 –Expert Report of Architect Ravi Ricker with CV.

³ *Id.*

Lot subdivision, as it relates to the applicable regulations: “. . .[I]t does not appear as though sufficient information has been provided for a full, thorough, and thoughtful review of the remaining Scottish Rite Temple property resulting after the lot division.”⁴ Accordingly, Mr. Ricker’s speculative testimony and lack of any relevant District experience with any zoning matters, renders his testimony irrelevant, with respect to the issues in these cases.

WHEREFORE, DCRA respectfully requests that the Board grant its Motion and bar testimony and evidence *in limine* of Ravi Ricker.

Respectfully submitted,

/s/ Esther Yong McGraw

ESTHER YOUNG MCGRAW

General Counsel

Department of Consumer and Regulatory Affairs

/s/ Melanie Konstantopoulos

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⁴ BZA Appeal 20453 Exhibit 6 –Expert Report of Architect Ravi Ricker with CV, p. 6

CERTIFICATE OF SERVICE

I certify that on this July 2, 2021, a copy of the foregoing was served to:

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