

BZA Case 21157

Movant: Melinda Roth, Party in Opposition

Motion to Strike

We hereby move to strike the record from Exhibits 201 and 202 from the record as highly prejudicial and unfair.

On October 9, 2024, per Subtitle Y § 602.6, the Board of Zoning Adjustment granted the Motion to Reopen the Record filed by Party Opponent as it relates to the Testimony in Opposition from Karen Cruse but denied the Motion to Reopen the Record for the closing statement from the Party in Opposition. Ms. Cruse's testimony was uploaded into the record as Exhibit 199A.

According to the BZA Order from this Decision: ***"Parties have until Wednesday, October 16, 2024, to respond to this supplemental material."***

Both the Applicant and the Party in Support filed responses, but neither **"respond to this supplemental material."** In fact, both serve as a closing statement, summarizing many (incorrect) facts of their case. The closing statement was expressly denied to the Party in Opposition.

These "responses" by the Applicant and the Party in Support refer to other exhibits, the Office of Planning, misleading and false statistics with Mr. Itteilag's personal opinions completely unrelated to Mrs. Cruse's testimony (including an unrelated photo of Mr. Itteilag's family!). None of the points raised by them are pertaining to the newly entered testimony. None. **Their responses should be limited to addressing ONLY what Mrs. Cruse wrote, but instead they both function as closing statements.**

Given the Party in Opposition was greatly prejudiced by the incorrect order of the hearing on September 25, 2024, when Mr. Itteilag, a close personal and longtime friend of Mr. Dana in the first place (and his continued residency on the block is at question as well), appeared after the Party in Opposition instead of beforehand, as provided in Subtitle Y Section 409.1. Moreover, Mr. Itteilag, the Party in Support, was also given a chance to make a short closing comment already in the hearing. This would be a second closing statement.

Thank you in advance for your consideration of this matter.

BZA Case No. 21157
3428 O Street, NW

CERTIFICATION OF SERVICE

I hereby certify that on October 17, 2024, an electronic copy of this party status request was served to the following:

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Respectfully Submitted,



Melinda Roth