

BZA Case 21157

Movant: Melinda Roth, Party in Opposition

Motion to Strike

We hereby move to strike the record from Exhibits 206 from the record as highly prejudicial and unfair. The record in this case is closed and Mr. Itteilag's (the Party in Support) response to the original, earlier, Motion to Strike his first response to the written testimony of Mrs. Kruse is entering completely irrelevant and new material into the record, once again. Hi

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.

The Party in Opposition moved to strike both responses on October 17, 2024. Both the Applicant and the Party in Support responded to that motion, and, once again, we move to strike the Party in Support's response. The Applicant's response to the first Motion to Strike, while we disagree, is appropriate and stands by their original response.

Mr. Itteilag's response to the original Motion to Strike is seven pages, includes completely unrelated new material, including photographs, and is inappropriate, biased, vindictive and highly prejudicial. His response needs to be limited to his original response and address the Motion to Strike, and not introduce new material which we cannot respond to at all. We even have an email from him, addressed to Mr. Sullivan, inquiring if he should write a response in order to have the last word.

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 23, 2024, an electronic copy of this party status request was served to the following:

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Respectfully Submitted,



Melinda Roth