

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings

100 Maryland Avenue, Suite 200

Rockville, Maryland 20850

IN THE MATTER OF:)
Notley Road)
)
Applicant) Local Map Amendment
) Application No. H-159
Notley Assemblage LLC)
)
For the Application)
)

REQUEST FOR SUBPOENA

Pursuant to Office of Zoning and Administrative Hearings (“OZAH”) Land Use Rules of Procedure Section 3.8, Party of Record Keith Nusbaum (the “Opposition”) is submitting this request for a subpoena for the Montgomery County Planning Department (“MCPD”) in the above referenced Local Map Amendment (“LMA”).

I. STATEMENT OF GROUNDS FOR THE SUBPOENA

On or about July 29, 2025, a representative for Applicant informed the Opposition that Applicant and/or its representatives had been in contact with MCPD, prior to the submission of its application, regarding the details of the proposed application. On or about August 13, 2025, MCPD informed the Opposition that it had located at least 1,116 email correspondence items related to communications between MCPD and the Applicant or its representatives related to the not yet filed LMA for the time period of January 1, 2024, through the time of formal application submission with MCPD, approximately April 30, 2025.

These email correspondence items are relevant to the LMA and will contain information of evidentiary value in the currently scheduled LMA hearing. Specifically, the items relate to the Applicant’s preliminary and current position on certain zoning regulations and the interpretation of those zoning regulations by MCPD. Those communications will likely provide the Opposition with potential exhibits to be introduced during the scheduled hearing. Furthermore, production of these email correspondence items at this point is necessary to determine who, if any, witnesses will be needed for the hearing scheduled for November 6, 2025.

II. SUBPOENA INFORMATION

The party to be subpoenaed is:

Montgomery County Planning Department
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

The information to be produced is:

All email correspondence items regarding a development at the corner of Notley Rd and New Hampshire Avenue, now filed as the LMA titled Notley Road with application number H-159 for the time period of January 1, 2024 through April 30, 2025, to include the 1,116 email correspondence items identified by the Montgomery County Planning Department on August 13, 2025 related to MPIA Request #25-1523.

III. SUBPOENA INFORMATION

The Opposition requests that OZAH issue the above requested subpoena for relevant documents of expected evidentiary value. Furthermore, the Opposition reserves its right to request additional subpoenas and requests that OZAH contact the Opposition as necessary to clarify this request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Keith Nusbaum", written over a horizontal line.

Keith Nusbaum