



Outlook

FW: LMA H-159 - Opposition to Objections filed by Applicant

From Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>**Date** Sat 11/1/2025 8:30 AM**To** Office of Zoning and Administrative Hearings <OZAH@montgomerycountymd.gov>

From: Sokoni, Khandikile Mvunga**Sent:** Friday, October 31, 2025 7:31 AM**To:** 'Keith C Nusbaum' <knusbaum@gmail.com>**Cc:** Michele Rosenfeld <michele@marylandpropertylaw.com>; djwilhelm@verizon.net; Kyle Smiddie <ksmiddie2@gmail.com>; Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; alfred.carr@gmail.com; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Elizabeth Rogers <ecrogers@lercheearly.com>; Girard, Erin E. <eegirard@lercheearly.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Biase, Vincent G. <vgbiase@lercheearly.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>**Subject:** RE: LMA H-159 - Opposition to Objections filed by Applicant

Mr. Nusbaum,

Thank you for your clarifications. I am still reserving ruling on the Objections.

You mention the possibility of filing a subpoena request by November 3. Please note that the Hearing Examiner will not facilitate any subpoena request at this point in the proceeding considering the hearing is scheduled for November 6. Hearing Examiner Byrne clearly outlined the subpoena process to you in Exhibit 34 and explained that any party wishing to make a subpoena request must do so at least 14 days before the hearing.

Sincerely,

Khandikile M. Sokoni

From: Keith C Nusbaum <knusbaum@gmail.com>**Sent:** Thursday, October 30, 2025 6:04 PM**To:** Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>**Cc:** Michele Rosenfeld <michele@marylandpropertylaw.com>; djwilhelm@verizon.net; Kyle Smiddie <ksmiddie2@gmail.com>; Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; alfred.carr@gmail.com; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Elizabeth Rogers <ecrogers@lercheearly.com>; Girard, Erin E. <eegirard@lercheearly.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Biase, Vincent G. <vgbiase@lercheearly.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>**Subject:** Re: LMA H-159 - Opposition to Objections filed by Applicant**[EXTERNAL EMAIL]**

Hearing Examiner Sokoni,

In response to your two questions:

1) I am appearing pro se in my personal capacity not as part of a larger group.

2) The term Opposition is defined on page 1 of Exhibit 55 to be just me in my individual capacity. The three identified individuals for witnesses are the manager of the applicant and two witnesses contracted with the applicant who are already scheduled to testify. To date, I have not requested subpoenas for their appearance.

If counsel for applicant affirms that they will be available for the hearing, I can forgo such a request. Otherwise I will file subpoena requests by Nov. 3.

Keith C. Nusbaum
knusbaum@gmail.com
419-297-6119

On Thu, Oct 30, 2025 at 5:38 PM Sokoni, Khandikile Mvunga
<Khandikile.Sokoni@montgomerycountymd.gov> wrote:

Mr. Nusbaum,

I wish to acknowledge receipt of the document you sent via email today (October 30, 2025), titled "Opposition to Letters of Objection", and reserve ruling.

Please confirm, by reply email to all, two things:

1. Are you appearing in this matter in your personal capacity only or are you appearing as part of a larger group.
2. In the document you presented as a "Pre-Hearing Statement" which is in the record as Exhibit 55, under item IV you identified three individuals that "Opposition" intends to call as witnesses. **Exhibit 55 at page 5.** Please confirm that your use of the term "Opposition" in that statement refers to yourself and not others in this matter who are in opposition to this application. What arrangements, if any, have you made to have these three witnesses appear to testify?

Sincerely,



Khandikile Mvunga Sokoni
Hearing Examiner
Office of Zoning & Administrative Hearings
Phone: 240-777-6664
[100 Maryland Ave, Rockville MD 20850](https://www.montgomerycountymd.gov/100MarylandAveRockvilleMD20850)

From: Keith C Nusbaum <knusbaum@gmail.com>
Sent: Thursday, October 30, 2025 3:58 PM
To: Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>; Michele Rosenfeld <michele@marylandpropertylaw.com>; djwilhelm@verizon.net; Kyle Smiddie <ksmiddie2@gmail.com>; Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>; alfred.carr@gmail.com; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Elizabeth Rogers <ecrogers@lercheearly.com>; Girard, Erin E. <eegirard@lercheearly.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Biase, Vincent G. <vgbiase@lercheearly.com>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>
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[EXTERNAL EMAIL]

Hearing Examiner Sokoni,

In connection with the above-referenced Local Map Amendment application, please find the attached Opposition to Objections filed by Applicant related to the Pre-Hearing Statement in Opposition filed by Keith Nusbaum.

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Keith C. Nusbaum

knusbaum@gmail.com

419-297-6119

