

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division

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SAINT SOPHIA GREEK ORTHODOX )  
CATHEDRAL OF WASHINGTON, D.C. )  
by and through its BOARD OF TRUSTEES )

*Plaintiff,* )

v. )

Case No.: 2016 CA-007772-B  
Judge Brian Holeman

RYAN ZINKE and LOLITA ZINKE )

*Defendants.* )  
\_\_\_\_\_)

**DEFENDANTS' DISCLOSURE OF EXPERT TESTIMONY**

Pursuant to the Court's Scheduling Order, Defendants hereby disclose to Plaintiff the identity of the expert witness Defendants intend to use at trial to present expert testimony. Defendants' expert witness is Robert Mayberry, Owner of RPM Home Inspect located in Fairfax, Virginia. Mr. Mayberry's written report is attached hereto.

Dated: April 4, 2017

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

by: /s/ Stephen M. Ryan  
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*Counsel for Defendants*

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

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**SAINT SOPHIA GREEK ORTHODOX  
CATHEDRAL OF WASHINGTON, D.C.**  
by and through its BOARD OF TRUSTEES

*Plaintiff,*

v.

**RYAN ZINKE and LOLITA ZINKE**

*Defendants.*

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**Case No.: 2016 CA-007772-B**  
**Judge Brian Holeman**

**EXPERT REPORT OF ROBERT MAYBERRY**

**April 4, 2017**

**I. Introduction**

I am the owner of RPM Home Inspect, LLC, located in Fairfax, Virginia. On March 29, 2017, I was engaged by McDermott Will & Emery LLP, in conjunction with its representation of the Defendants in the above-captioned case, to provide analyses and expert opinions regarding the structural conditions of the Property at 3510 Garfield Street, N.W., Washington, DC 20007.

I understand this matter involves a dispute over the conditions of the Property and the Plaintiff's claim that it is entitled to rent it believes is owed by the Defendants for vacating the Property. I further understand that the Defendants vacated the Property because they believed the Property was not suitable for a rental home in the District of Columbia and that certain conditions posed dangers to the Defendants and their families. I also understand that the Defendants have counter-sued the Plaintiff for damages resulting from injuries caused by the conditions of the Property.

I was asked to conduct a home inspection of the Property on April 1, 2017. I was asked to review the conditions of the Property that are at issue in this matter, specifically, the front porch and stairs, floors, staircases, and rear sidewalk. I was asked to present my findings and opinions in the form of an expert report.

This report was prepared pursuant to District of Columbia Superior Court Civil Rule 26(a)(2)(B). It is based on my inspection of the Property and certain photos of the Property provided to me by counsel for the Defendants, photos that have been shared with the Plaintiff during discovery. I reserve the right to amend this report in the event that any additional relevant information becomes available.

## **II. Summary of Expert Opinions**

On April 1, 2017, I conducted an in-depth inspection of the areas of the Property that I was permitted to inspect, and I found multiple serious defects that pose substantial safety concerns for residents and guests visiting the Property. These defective conditions include, but are not limited to:

- A. The entire left side (facing front) foundation has settled roughly three inches, causing the home and its floors to slant severely to the left.
- B. The structural floor joist system needs to be repaired or replaced as it has so many substantial defects that contribute to the slanting of the floors.
- C. The roof drainage systems are defective and need to be repaired or replaced.
- D. The front porch and steps need to be repaired or replaced as they do not provide adequate traction in the event of rain, ice, or snow.
- E. The interior steps to the basement need to be repaired or replaced as they were improperly constructed and/or repaired in a manner that caused them to be dangerous for anyone that steps foot on them.

Each of these defects poses a substantial safety concern for residents of the Property. These conditions are not new; they appear to have been present for years. Each of these defects should have been properly repaired or replaced in order to render the Property safe for its residents.

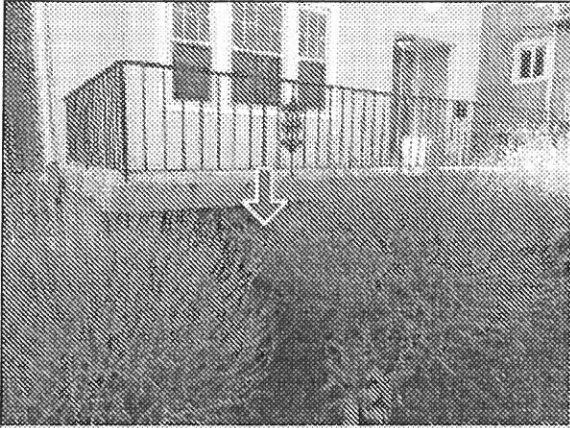
## **III. Bases of Expert Opinions**

Based on my inspection of the Property on April 1, 2017, which I conducted in accordance with industry standards put forth by the American Society of Home Inspectors, the Property has numerous severe defective conditions that need to be repaired or replaced. These conclusions are derived from my visual inspection of the Property and application of industry standards to determine if there are safety issues that need to be repaired or replaced.

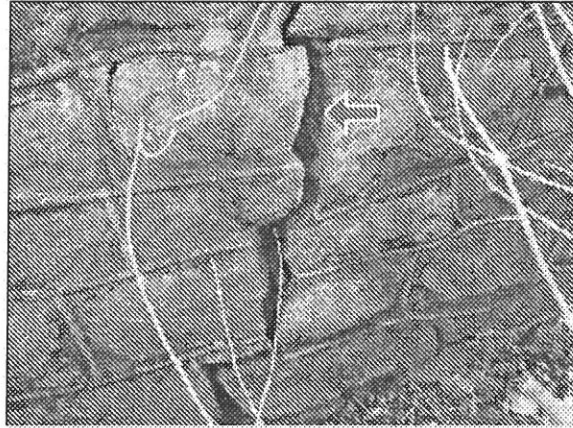
### **A. Structural Conditions of the Home**

The left side of the home has settled approximately three inches, resulting in grossly uneven floors and various severe structural defects in the home. This drastic settlement is apparent throughout the home.

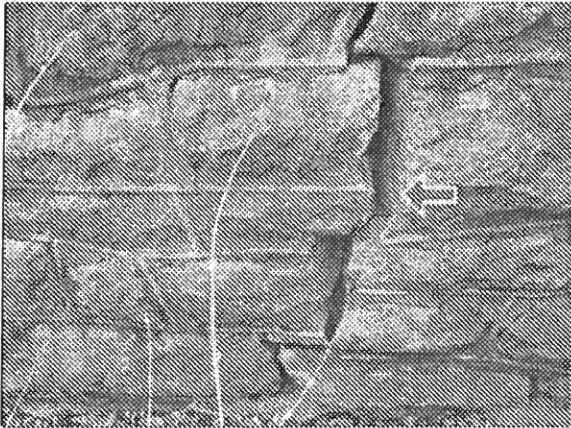
- There is a large crack in the structural wall under the front porch:



2.3 Item 3(Picture)



2.3 Item 4(Picture)

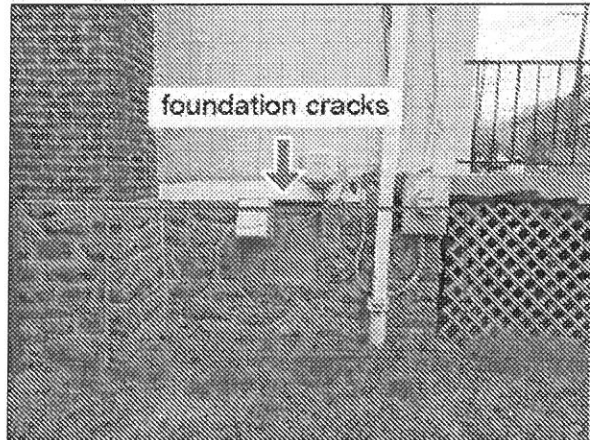


2.3 Item 5(Picture)

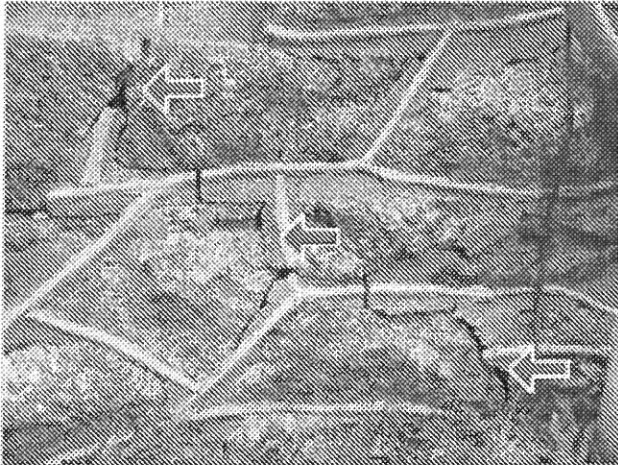
- There are also cracks in the foundation along the left side of the house:



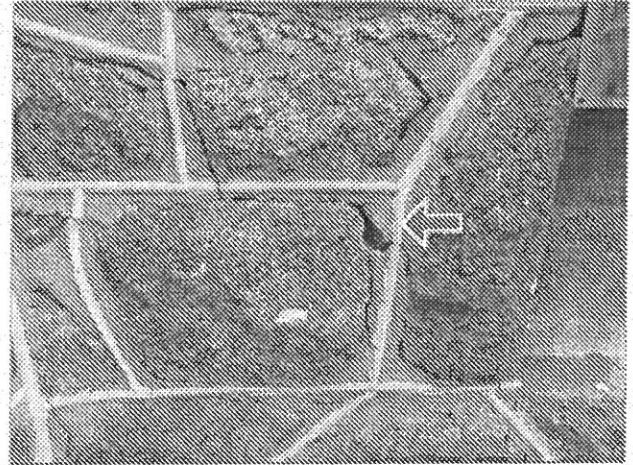
4.1 Item 1(Picture)



4.1 Item 2(Picture)

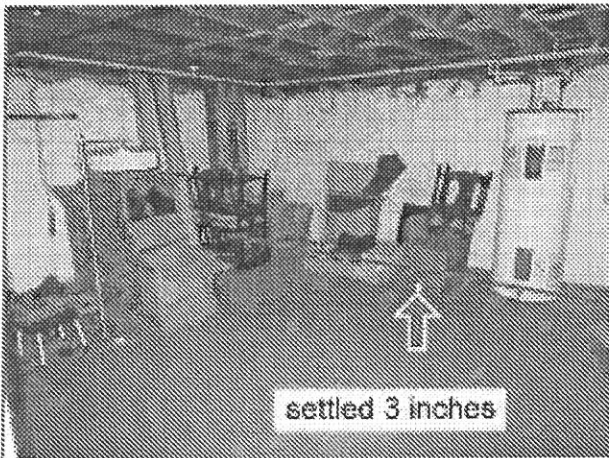


4.1 Item 3(Picture)

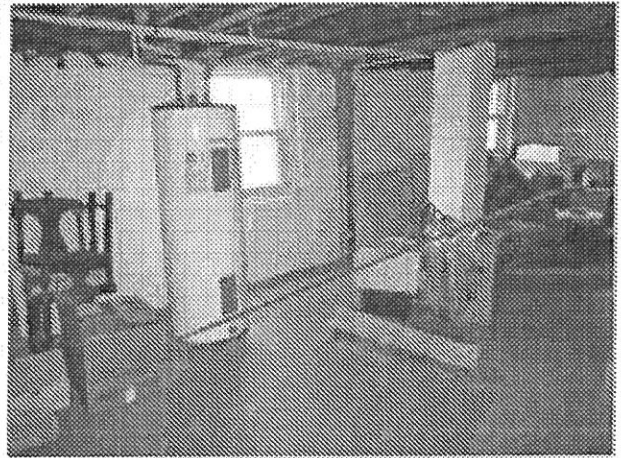


4.1 Item 4(Picture)

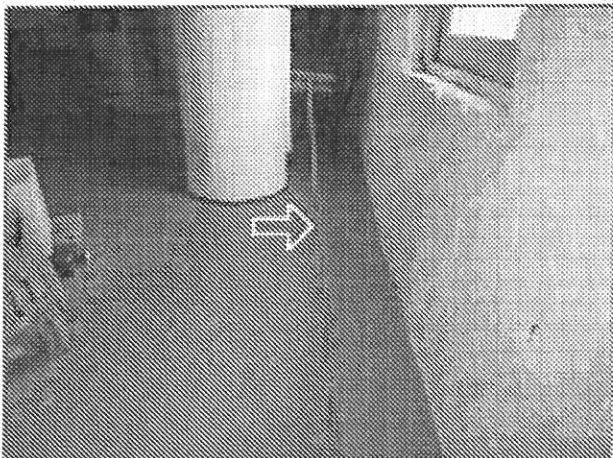
- The drastic settlement of the home is apparent in the basement:



4.1 Item 5(Picture)



4.1 Item 6(Picture)



4.1 Item 7(Picture)

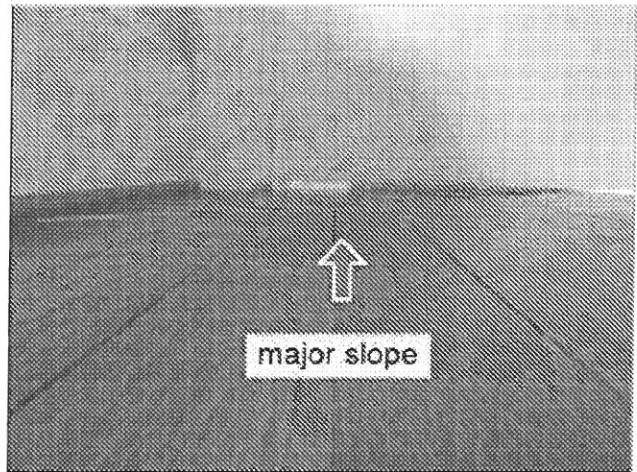


4.1 Item 8(Picture)

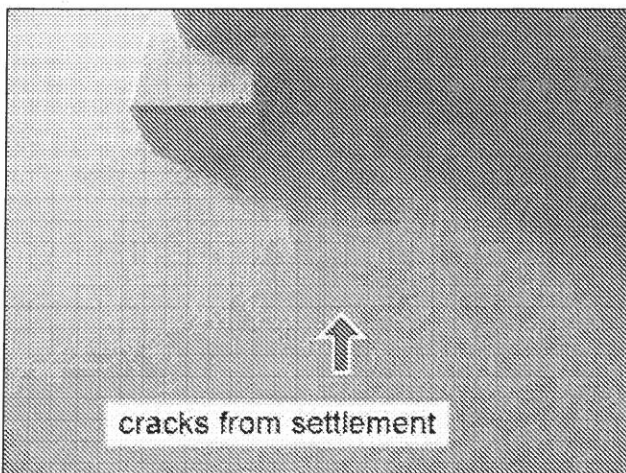
- The settlement of the home has resulted in major slopes on the main level and upper levels of the home, including cracks:



4.1 Item 9(Picture)



4.1 Item 10(Picture)



4.1 Item 11(Picture)



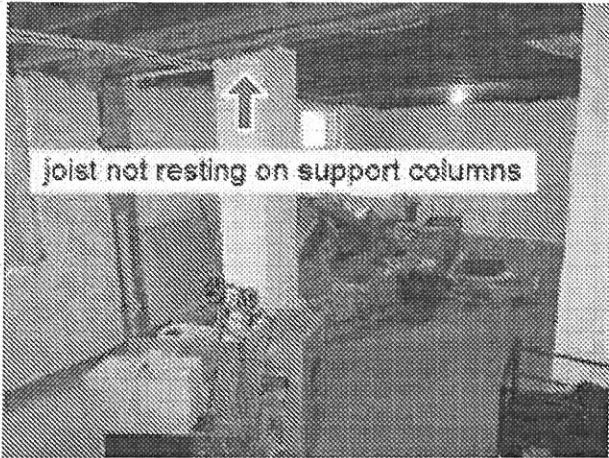
4.1 Item 12(Picture)

**Conclusion:** The drastic settlement of the home has resulted in substantial defects in the structural systems of the home. The foundation of the home should be repaired or replaced to remedy the drastic settlement before further damage occurs.

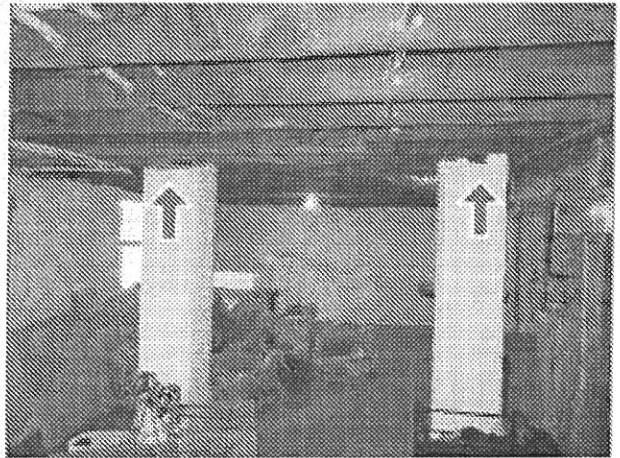
**B. The Flooring System is Structurally Defective**

In addition to the severe settlement of the home, the structural flooring system is grossly defective, which further contributes to the dangerous conditions of the floors in the home.

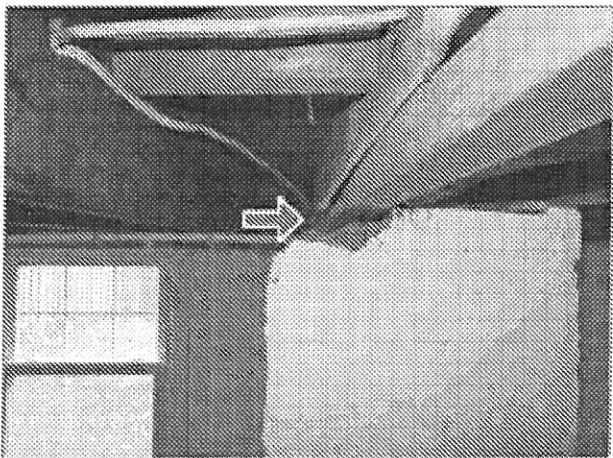
- The main center support columns in the basement that support the floors are not giving full support to the floor joist:



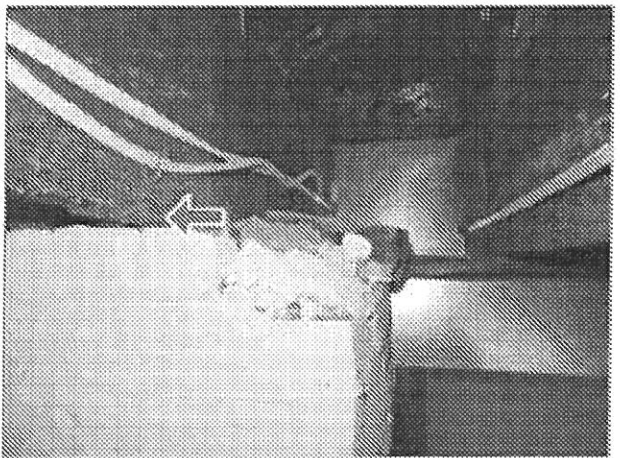
4.3 Item 5(Picture)



4.3 Item 6(Picture)

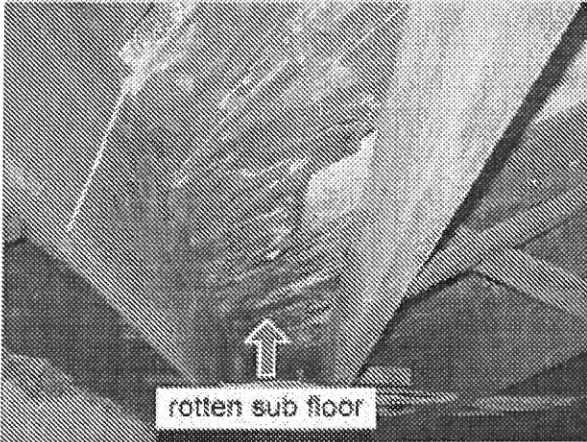


4.3 Item 7(Picture)

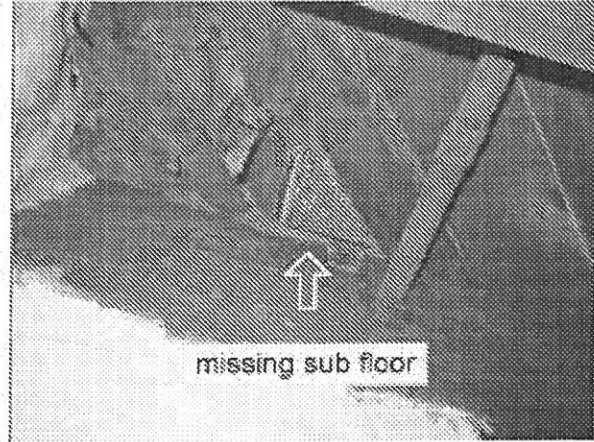


4.3 Item 8(Picture)

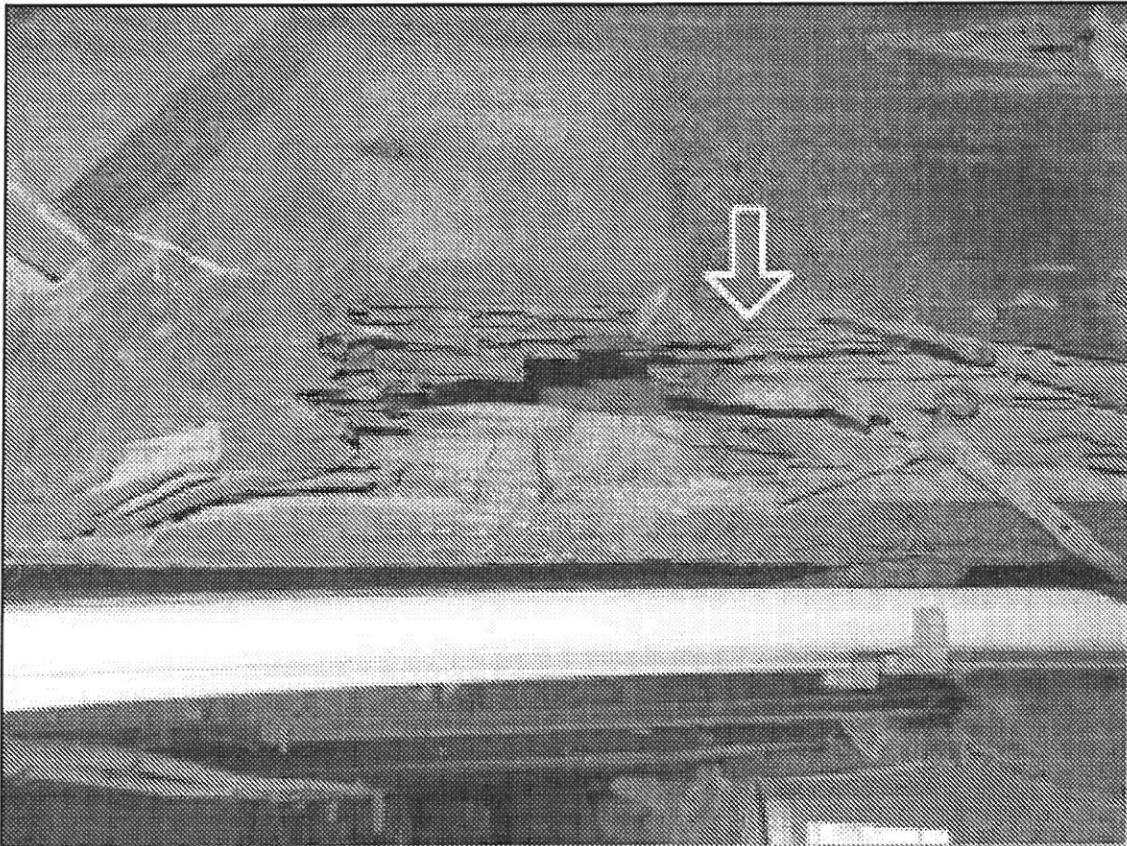
- The structural floor joist system and sub-flooring have many serious issues, which contribute to the uneven and dangerous floors on the main level. These issues appear to have been subjected to unprofessional attempts at repair, which did not fix the rotting, damaged, and deteriorating structure:



4.3 Item 1(Picture)

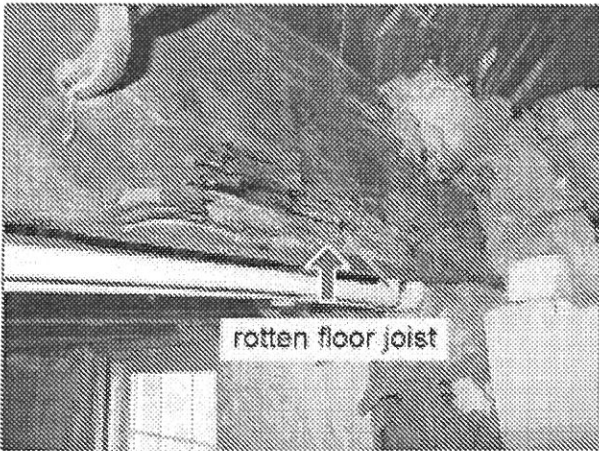


4.3 Item 2(Picture)

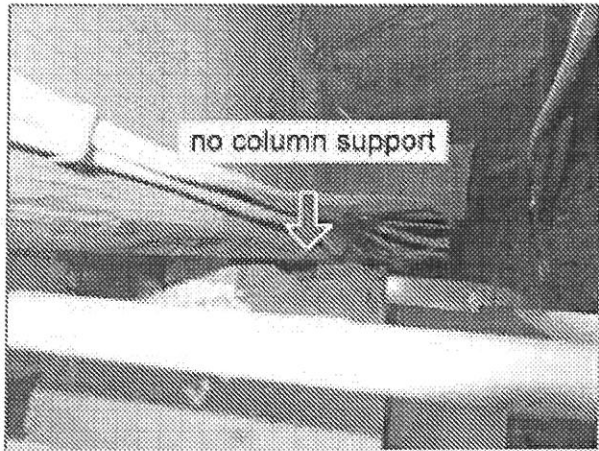


4.3 Item 21(Picture)

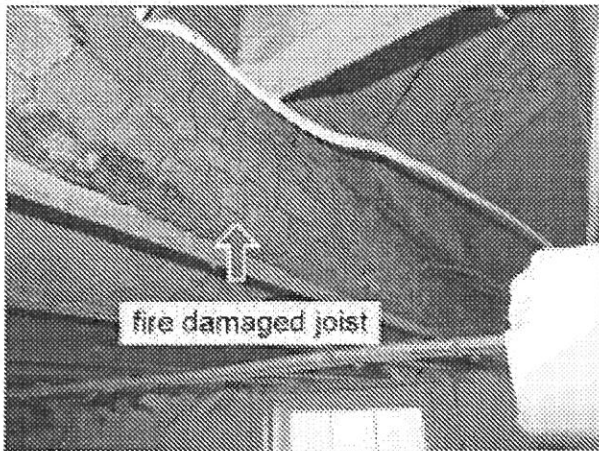




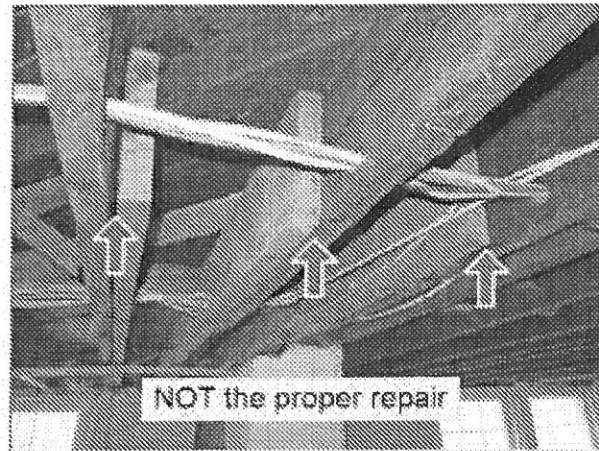
4.3 Item 13(Picture)



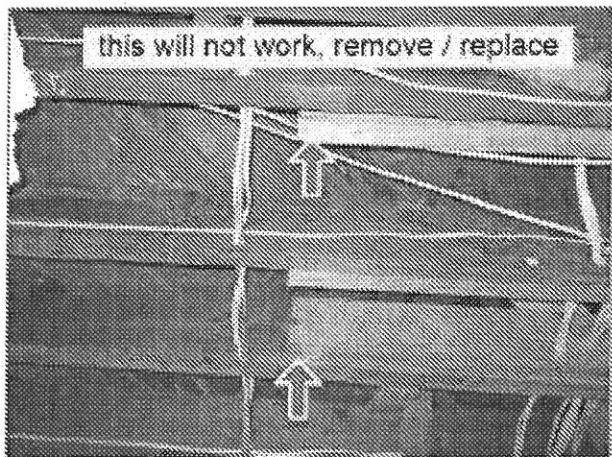
4.3 Item 14(Picture)



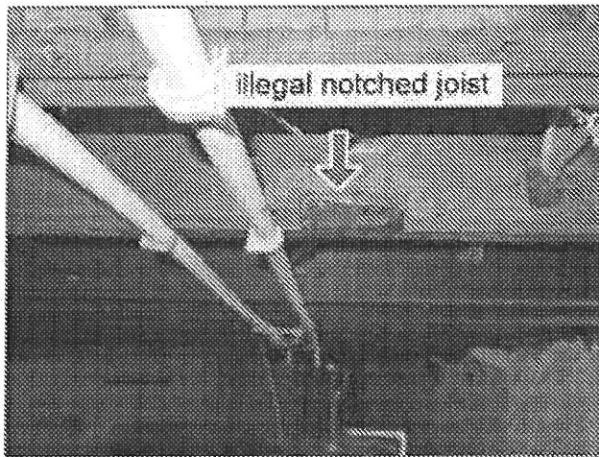
4.3 Item 15(Picture)



4.3 Item 16(Picture)

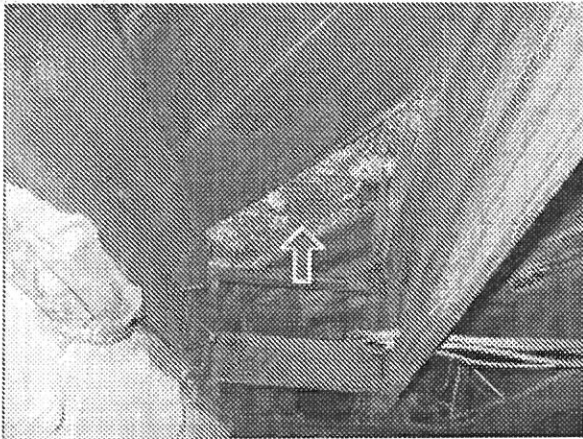


4.3 Item 17(Picture)

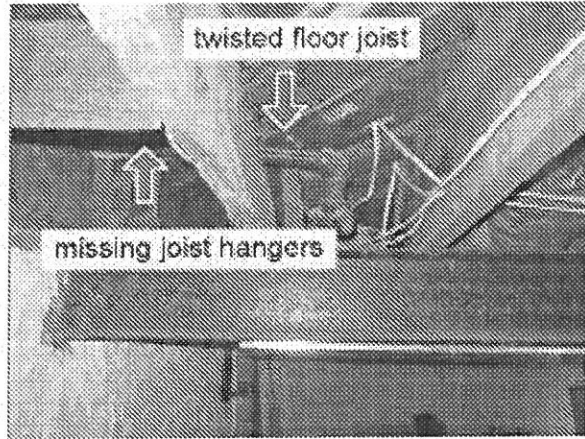


4.3 Item 18(Picture)

- The floor joists are twisted, buckled, unstable, and fire-damaged. There are also missing joist hangers:



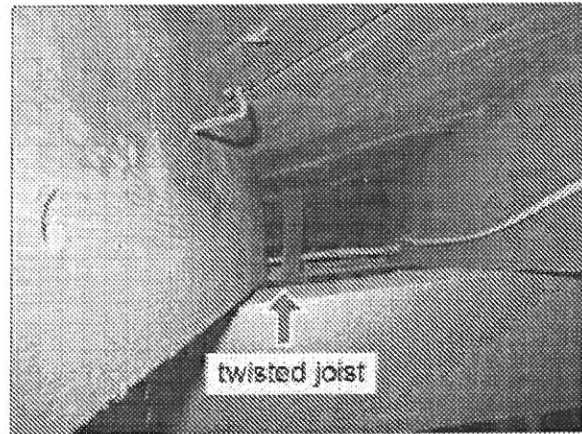
4.3 Item 3(Picture)



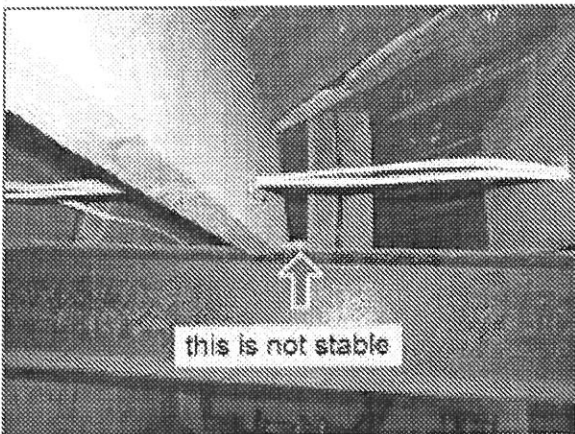
4.3 Item 4(Picture)



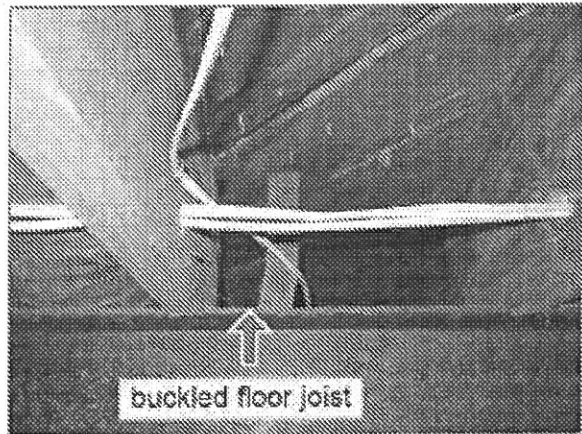
4.3 Item 9(Picture)



4.3 Item 10(Picture)



4.3 Item 11(Picture)



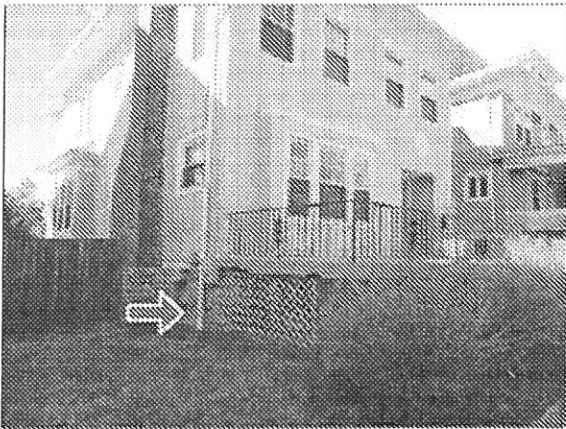
4.3 Item 12(Picture)

**Conclusion:** The flooring system has been subjected to unprofessional repair attempts. It is severely defective and requires immediate repair or replacement. These defective conditions have clearly been present for years; they have not arisen only in the past two years.

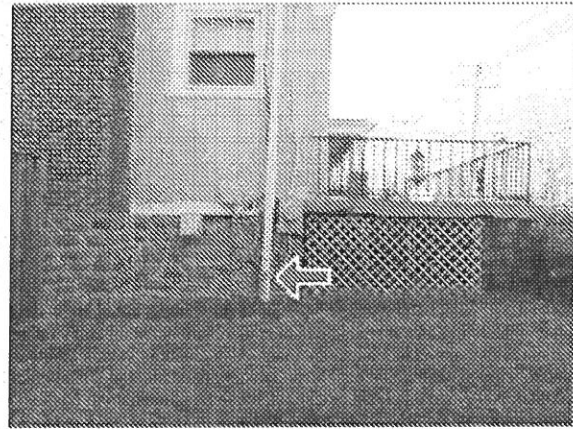
**C. The Roof Drainage Systems are Defective**

The roofing drainage systems need to be repaired or replaced as they are creating hazardous conditions.

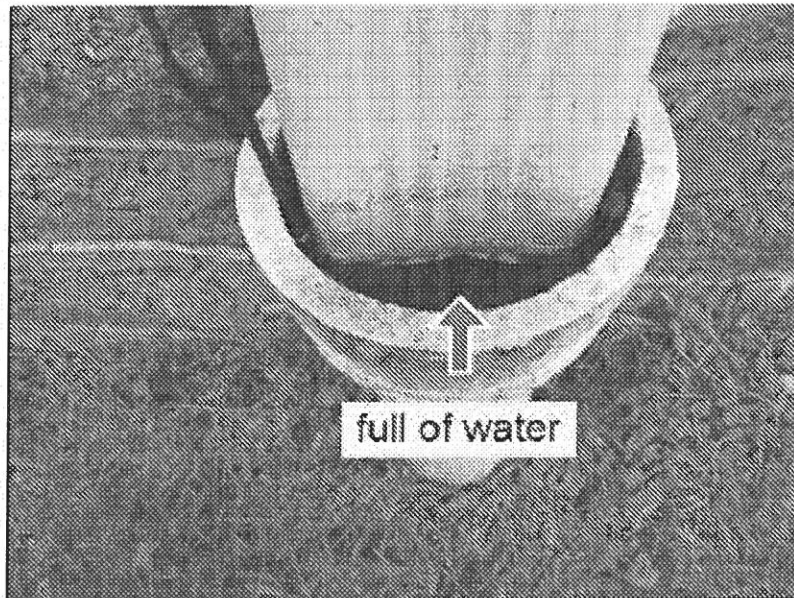
- **The downspout at the left side of the home (facing front) is clogged. Erosion has likely occurred and led to water intrusion into the home. This condition may have contributed to the settlement of the home described above in Section A.**



1.3 Item 1(Picture)

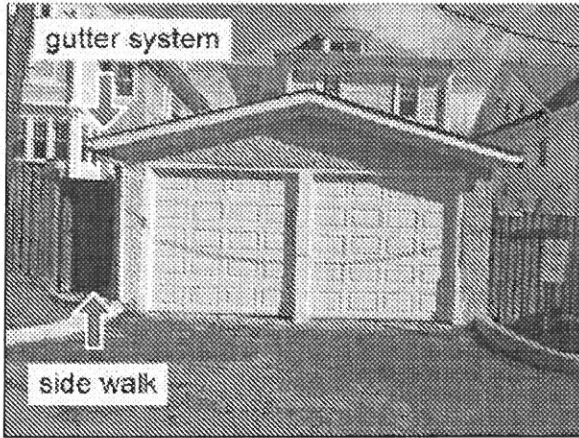


1.3 Item 2(Picture)

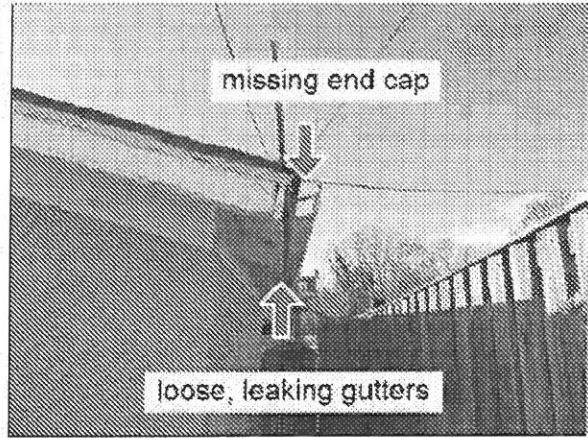


1.3 Item 3(Picture)

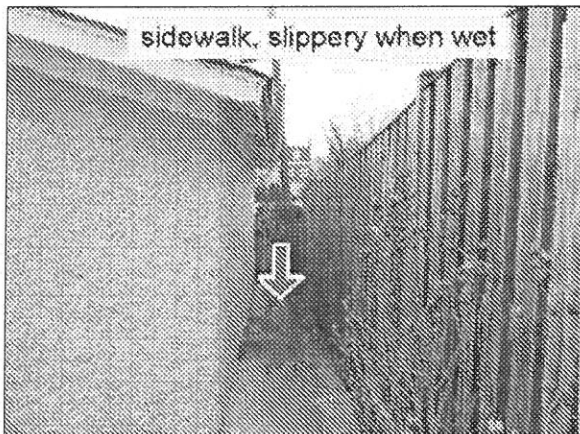
- The gutter on the detached garage is loose, has no end cap, and is draining water onto the sidewalk. This defective gutter has created a safety hazard for persons walking on the sidewalk. This condition needs to be repaired or replaced to remedy this hazardous condition.



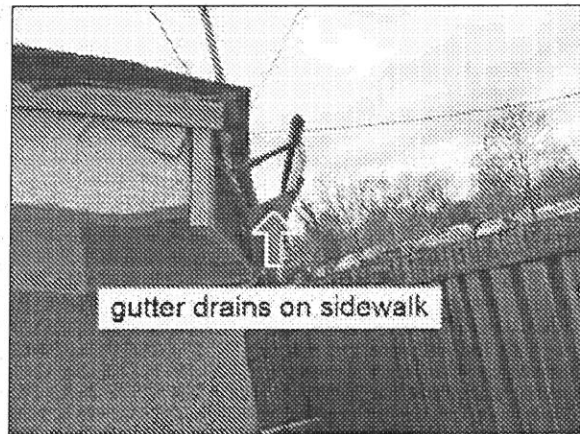
1.3 Item 4(Picture)



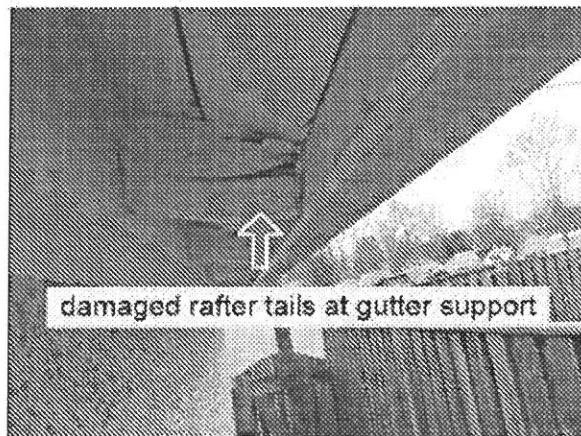
1.3 Item 5(Picture)



1.3 Item 6(Picture)



1.3 Item 7(Picture)



1.3 Item 8(Picture)

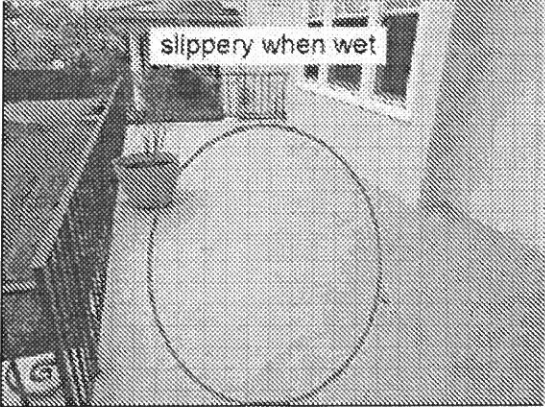
**Conclusion: The defective roof drainage systems have created hazardous conditions as a result of water runoff from the roofs. The systems should be repaired or replaced to avoid future injuries of persons on the Property.**

**D. The Front Porch and Stairs Do Not Provide Adequate Traction**

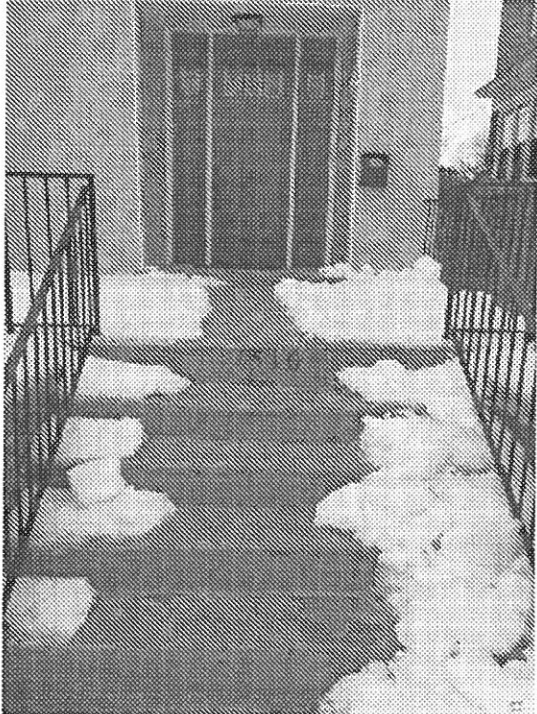
The uncovered front porch and stairs have been painted with an epoxy-like substance. It appears that some sand has been mixed into the cover in an attempt to provide traction on the surface. It is not known precisely when this occurred, but this sand still does not provide adequate traction to avoid an excessively slippery condition on the surface in the event of rain or snow.



2.3 Item 1(Picture)



2.3 Item 2(Picture)

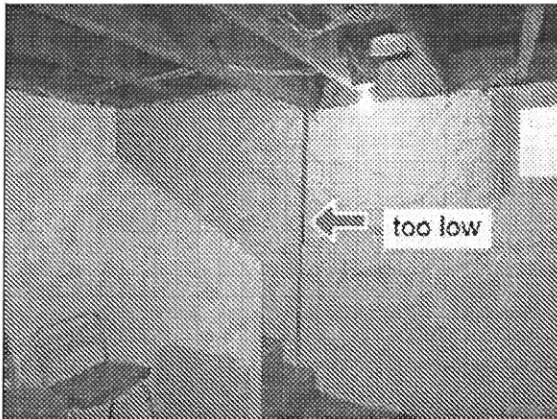


**Conclusion:** Because of the epoxy-like substance painted on the front porch, and the lack of a cover on the front porch, any amount of snow or freezing rain is likely to result in a slick, icy surface on the front porch. The front porch and stairs should be repaired or replaced to provide persons walking on them safe surfaces on which to walk.

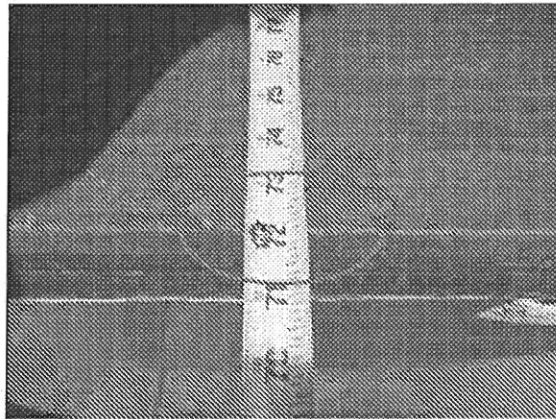
**E. The Basement Stairs Are Defective**

The interior steps to the basement need to be repaired or replaced as they were improperly constructed and/or repaired in a manner that caused them to be dangerous for persons using them.

- **The head room at the basement steps is too low:**

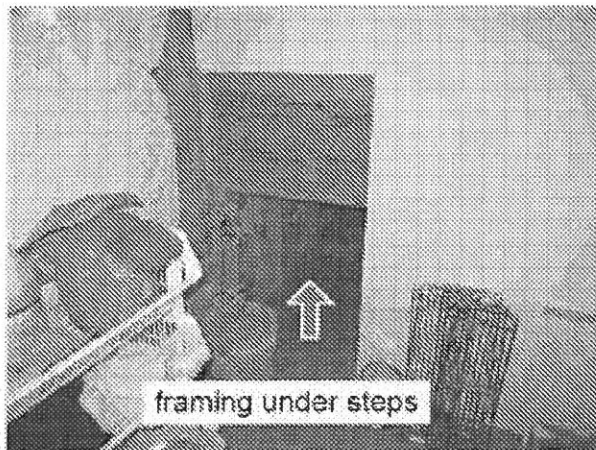


3.3 Item 1(Picture)

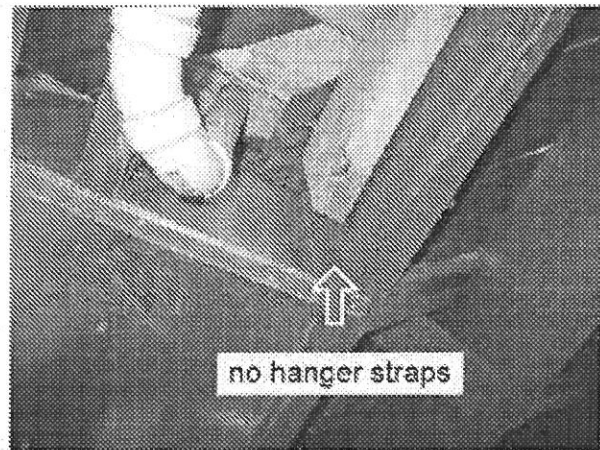


3.3 Item 2(Picture)

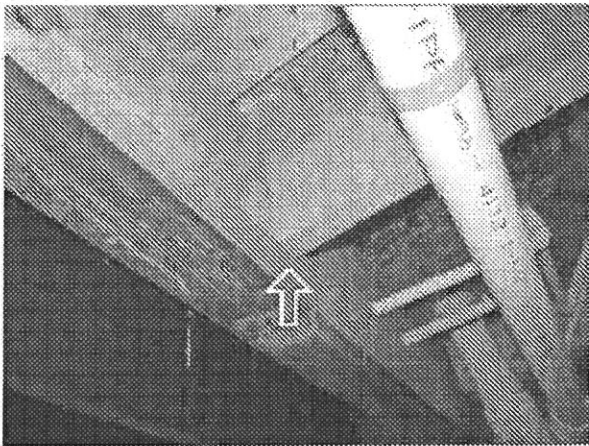
- **The basement steps were built or repaired in an unprofessional manner that renders them defective, including not having adequate support or hanger straps, and the stair stringer not resting on a bearing:**



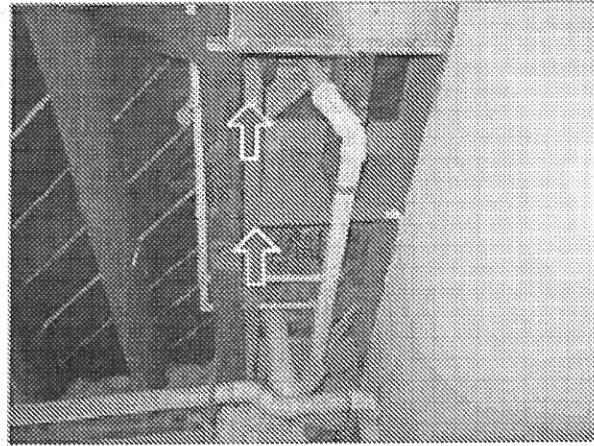
3.3 Item 3(Picture)



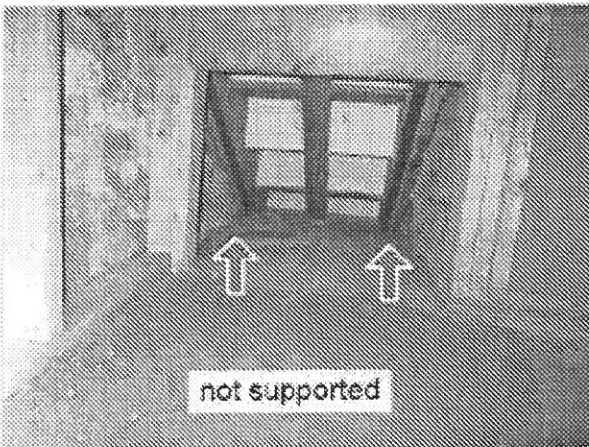
3.3 Item 4(Picture)



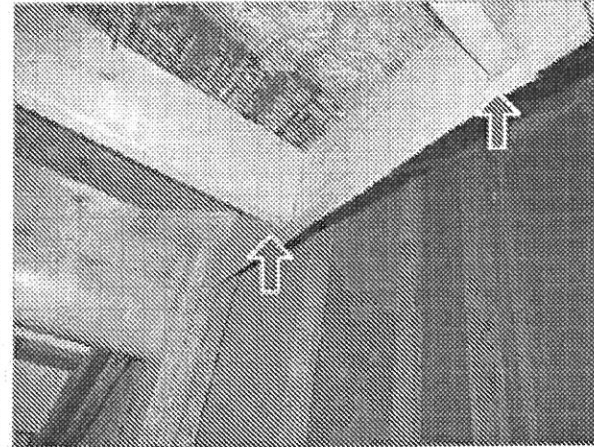
3.3 Item 5(Picture)



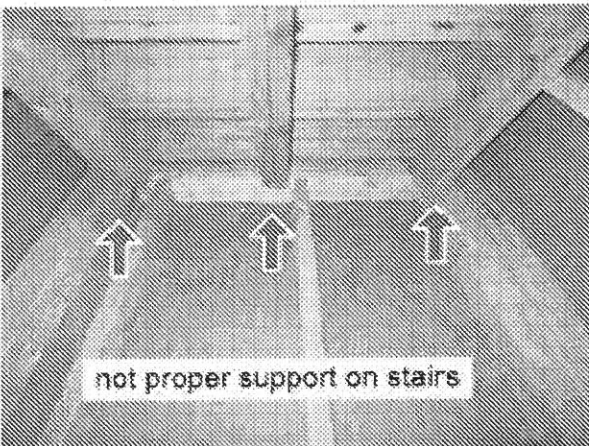
3.3 Item 6(Picture)



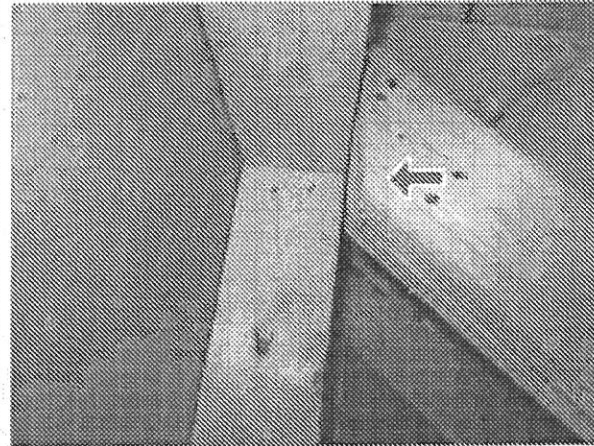
3.3 Item 9(Picture)



3.3 Item 10(Picture)



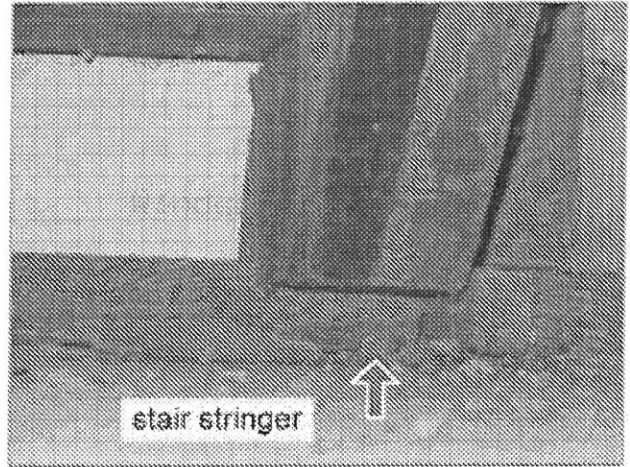
3.3 Item 11(Picture)



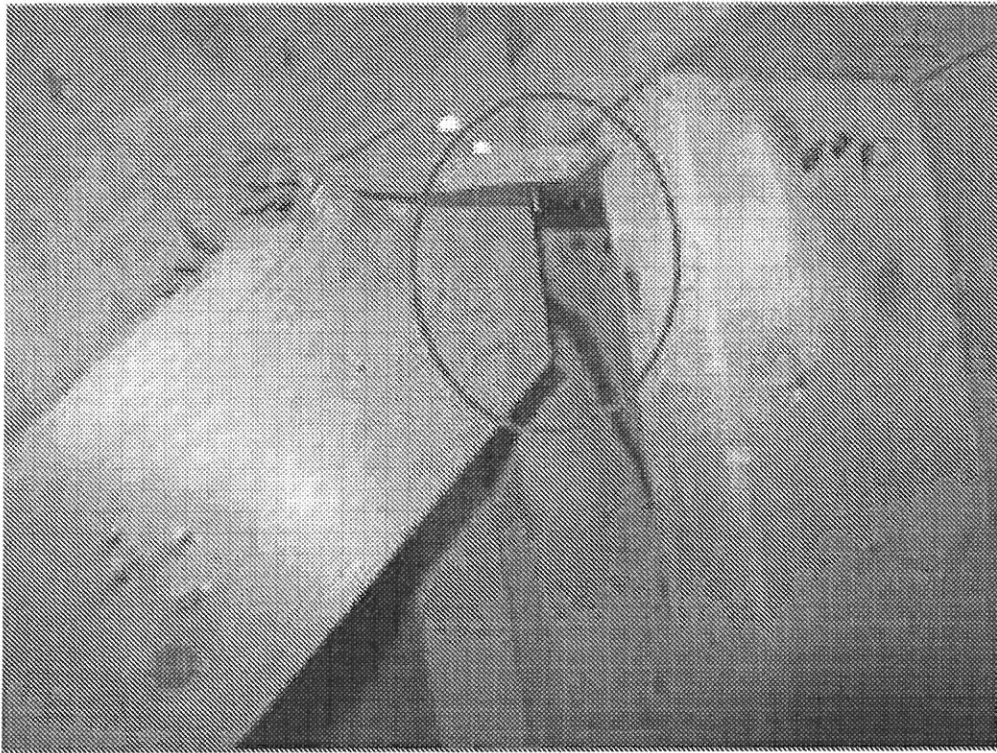
3.3 Item 12(Picture)



3.3 Item 7(Picture)



3.3 Item 8(Picture)



3.3 Item 13(Picture)

**Conclusion:** The stairs leading to the basement are clearly defective and pose dangerous conditions for anyone that steps foot on them. The stairs need to be repaired or replaced as soon as possible to avoid future injuries.



#### **IV. Information Considered in Forming Opinions**

I formed my opinions in this matter based on my visual inspection of the Property on April 1, 2017, as well as photographs provided to me by Defendants' counsel, which have been produced during discovery. I have retained copies of all original photographs, and they are available upon request.

#### **V. Expert Qualifications**

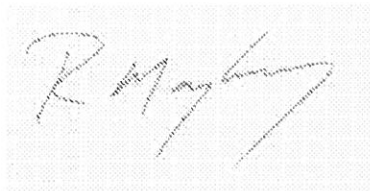
I am a certified home inspector by the American Society of Home Inspectors. My License number is 250286. I have worked as a home inspector in the Washington, DC area since 2009. Before that I worked in the residential and commercial construction for over 28 years. I have conducted well over one-thousand home inspections for customers in Washington, DC, Virginia, and Maryland. I have not testified as an expert at trial or by deposition within the previous four years. I have not authored any publications within the previous ten years.

#### **VI. Compensation**

Compensation for this engagement is based on my standard rate. I charged \$825 to conduct the inspection and write my expert report. I will be compensated \$200 per hour for future time on this matter. My compensation is not contingent on the outcome of this dispute.

#### **VII. Signature**

I hereby certify that this report is a complete and accurate statement of all of my opinions, and the basis and reasons for them, to which I will testify under oath.

A handwritten signature in black ink, appearing to read "R. Mayberry", is written over a light gray grid background.

---

Robert Mayberry

Dated: April 4, 2017

Dated: April 4, 2017

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

by: /s/ Stephen M. Ryan  
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(202) 756-8087 (fax)  
sneel@mwe.com

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of April, 2017, I have caused to be served, by electronic case filing, a true copy of this document on:

Valerie J. Edwards, Esq.  
Peter D. Antonoplos, Esq.  
Antonoplos & Associates  
1725 DeSales Street, NW, Suite 600  
Washington, D.C. 20036

/s/ Sam C. Neel  
Sam C. Neel  
D.C. Bar No. 1027756  
*Counsel for Defendants*