

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

SAINT SOPHIA GREEK ORTHODOX)	
CATHEDRAL OF WASHINGTON, D.C.)	
by and through its BOARD OF TRUSTEES)	
)	Case No. 2016 CA 007772 B
<i>Plaintiff,</i>)	Judge: Brian F. Holeman
)	Next Event: April 27, 2016
v.)	
)	(Initial Scheduling Conference)
RYAN ZINKE, <i>et al.</i>)	
)	
<i>Defendants.</i>)	

OPPONENT’S RULE 26(a)(2)(B) EXPERT DISCLOSURE

COMES NOW the Plaintiff/Counter-Defendant, Saint Sophia Greek Orthodox Cathedral (“Plaintiff”) by and through counsel, hereby submits this Expert Witness Designation, and in support thereof states as follows:

1. The Plaintiff reserves the right to call the following individual for expert testimony in this matter:

George W. Norton, P.E.
Norton Consulting Engineers, PLC
10319 Westlake Drive, Suite 111
Bethesda, MD 20817
(240) 393-3672
nortonengineer@gmail.com
www.nortonengineer.com

Mr. Norton is the owner of Norton Consulting Engineers, LLC (“Norton”) and has over 25 years of experience as a builder in the construction field and in structural engineering. He is licensed in four states as a professional engineer (Maryland, Virginia, Connecticut and the District of Columbia).

Mr. Norton has not yet been retained by Plaintiff for the purpose of providing expert witness testimony as to the alleged structural defects and housing code violations in the subject

property, known as 3510 Garfield Street, NW, Washington, DC 20007 (“the Property”); however, Mr. Norton was previously retained to provide expert opinion as contained in his February 5, 2016 report, attached hereto and incorporated herein as **Exhibit A**.

Plaintiff reserves the right to retain Mr. Norton to testify regarding the alleged defects and code violations in the Property; the expert witness report disclosed by Defendant’s expert witness; and his education and work background, along with a detailed description of his professional expertise. In such event, the basis for Mr. Norton’s testimony would be his personal review and analysis of the court documents filed to date, inspections and reports performed on the Property, and his knowledge and inspection of the property as recorded in his report prepared on February 5, 2016. In the event Plaintiff retains Mr. Norton for expert witness testimony, Plaintiff will supplement this Designation with a list of Mr. Norton’s prior expert witness testimony.

Mr. Norton’s expert report and opinions are contained in his February 5, 2016 letter attached hereto and incorporated as **Exhibit A**. If retained, at trial, Mr. Norton may expand upon those opinions expressed in the attached report. Mr. Norton may also testify at trial regarding the Defendants’ expert witness opinions and any new information provided during discovery or at the time of trial.

2. Plaintiff hereby reserves the right to supplement and/or amend this Expert Witness Designation up until a reasonable time before trial;

3. Plaintiff hereby reserves the right to call any and all expert witnesses identified, consulted or contacted by the Plaintiff or otherwise identified or referenced in any discovery responses, witness lists, or expert witness designations filed and/or served in the above-captioned matter by any party.

DATED: April 27, 2017

Respectfully Submitted, /

/s/ Peter D. Antonoplos

Peter D. Antonoplos, Esq. (DC Bar # 485119)

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April 2017, I caused a true and accurate copy of the foregoing Expert Witness Disclosure to be served upon the following by CaseFileXpress:

Stephen M. Ryan, Esq.
sryan@mwe.com

Sam C. Neel, Esq.
sneel@mwe.com

Counsel for Defendants/Counter-Plaintiffs

/s/ Valerie J. Edwards
Valerie J. Edwards

EXHIBIT A



VIRGINIA
MARYLAND
CONNECTICUT
DISTRICT OF COLUMBIA

February 5, 2016

Mr. John Xanthos
C/o Saint Sophia Cathedral
36th St. NW
Washington DC 20007

Re: 3510 Garfield St. NW

Mr. Xanthos,

At your request, I inspected several issues at the above-referenced property, noted in a letter from a Mr. Zinke, dated March 3, 2015. This letter notified you of a tenants' termination of lease due to issues, which according to Mr. Zinke, "made the property unsafe for the principle tenant." Specifically the issues were, "... grossly uneven floors, hallways, and staircases.." In addition to the condition of the floors, the letter also made note of "the dangerous entry" to the home.

The house is a two-story frame structure with basement, approximately 80-95 years old. Assuming the house faces north, settlement of the structure was observed along the east side of the house, primarily at the northeast corner in the front living room. Employing a laser level, it was determined the settlement was between 2-3" at the worst point

The floors on the first floor are 2 ¼" oak, tongue and groove flooring, in very good condition. They appear to have been recently re-finished. The floor framing system consists of 2x10 joists at 16" on centers, as seen in the unfinished basement. The joists were in good condition, with no sign of damage to any of the joists. The settlement along the east wall appears due to the settlement of the foundation wall along this side of the house. The living room floor has a noticeable slope towards the sidewall as previously noted, but there is no "unevenness" as stated by Mr. Zinke. No floorboards are loose, there are no gaps in the flooring, and the entire floor system on this level is smooth to the touch. This room and the room above it were the only noticeable areas of sloping floors in the house. The hallways on both levels had slight slopes, with no unevenness noted-conditions better than normal, for houses this age.

The main stairs up to the second floor have uniform steps and rises their entire length- averaging 7 ¾." This rise is the standard rise mandated in the current building code. There is slight wear on the nosing at the top of the stairs, but outside of this, the stairs are uniform, in good condition, and comply to current building standards. The railings were also found to be sound.

It is uncertain what Mr Zinke is referring to when he alleges the entry is "dangerous." The front door entry has a standard threshold, approximately 1" high. The purpose of a threshold is to keep moisture from the adjacent exterior entry stoop from entering into the living space. Since the stoop is at the same level as the first floor, this is especially relevant. The threshold is a standard feature on all current, exterior door entryway systems.

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Conclusions:

The floors in the living room are noticeably sloped several inches to the east. This appears to be due to the differential settlement of the east foundation wall with respect to the rest of the foundation. The slope noted is gradual, and there was no "extreme unevenness" observed at either the first or second floor, at any location. As stated, the floors are finished, smooth to the touch, no unevenness observed, and overall, in very good condition for a house this age. This is also true for the hallways on both levels. The stairs, as noted, comply with current standards of safety. No unsafe conditions on the stair system, were observed.

It is the opinion of this party, that the allegations presented by Mr. Zinke are unfounded, and that none of them correlated to what I observed. The floors, threshold, and stairs, do not pose any threats to safety. The slope of the living room floor is the only anomaly of note, but it also is not a safety issue. If this is Mr. Zinke's condition of concern he is referring to, it is not a safety issue, but an aesthetic one.

Limitations: This report does not address areas of the structure other than those initially referenced. The opinions, conclusions, and recommendations expressed herein are based on information obtained from the owner or their agent, and from the site evaluation. The site evaluation was limited to those specific areas, and relevant building elements, requested by the owner/ agent which were accessible without removal of finishes, destructive testing, or soil excavation/ testing. There is no claim that all conditions were observed. This report does not address areas of the structure other than those observed and noted herein, nor does it provide any warranty for the subject structure.

Very truly yours,

George W. Norton, PE

