

June 13, 2018

VIA E-FILING

Ryan Vancil
Deputy Hearing Examiner
PO Box 94729
Seattle, WA 98124-4729

Re: Appeals of Wallingford Community Council, et al
Hearing Examiner File: W-17-006 through W-17-014

Dear Examiner Vancil:

As discussed at the conclusion of the pre hearing conference on June 11, 2018, the City has attempted to populate the remaining slots of available time during the hearing with City witnesses. We prepared the attached calendar to depict the results of this effort.

As a preliminary matter, it is important to note that the City's estimates for witness testimony are based on the City's current understanding of the Appellants' case. The City does not have the Appellants' final witness and exhibit lists. Additionally, despite the City's extensive efforts during discovery, there are many witnesses the substance of whose testimony is not yet known. Accordingly, as the respondent in this matter, the City reserves its right to adjust its estimates of time and its witness needs to adequately respond to the Appellants' case.

The calendar depicts City witnesses in blue with Appellant witnesses in green. When slotting City witnesses, the City included estimated time for cross-examination. For all but three witnesses, the City relied on the same working assumption that was used in the prehearing conference. Specifically, the City assumed that cross-examination of all but three City witnesses will be approximately one-third of the time anticipated for direct examination. However, the City chose a more conservative estimate for the three City employees that both the City and the Appellants named as witnesses for their case-in-chief. Those three witnesses are marked on the chart with an asterisk and include the following: Nolan Rundquist; Nick Welch; and Geoff Wentlandt. We anticipate that the Appellants might require more time for these witnesses. Additionally, the City scheduled Dan Nelsen on July 23, 2018, in an available slot during Appellants' witness presentation (currently highlighted in yellow). Appellants had initially grouped Mr. Nelsen with the previously discussed City witnesses. While Mr. Nelsen is a City employee, the City did not name him as a witness and does not intend to call him in its case in

chief. Accordingly, the City placed him in an earlier available time slot during the Appellants' case in chief.

At the conclusion of this exercise, there was insufficient time available for the City to schedule the following witnesses: James Dasher; Chris Sanchez; Mark Johnson; Leslie Price; Jesseca Brand; Sharese Graham (who is scheduled to appear the second week on tree canopy issues, but will need to appear a second time in order to respond to issues that will only be raised during Appellants' testimony the third week); and Ariel Davis. Accordingly, the City requests that the Examiner schedule an additional three days of hearing. While the City anticipates it could conceivably conduct the examination of the named witnesses within two days, in light of the uncertainty in the overall schedule, the City requests the Examiner reserve the third day as a contingency. As discussed at the prehearing conference, the City intends to work with the Appellants in the coming days to identify three additional hearing days during the week of August 27 to propose to the Examiner.

Additionally, the City intends to explore with the Appellants their intended schedule on Tuesday, August 21 and Wednesday, August 22. Appellants have scheduled witnesses on both mornings but did not schedule any witnesses on the afternoon of August 21. The City requests that the Appellants consolidate their testimony on August 21 to allow the City's witness testimony to be uninterrupted.

Sincerely,

VAN NESS FELDMAN LLP

A handwritten signature in blue ink, appearing to read "Dale N. Johnson", with a long horizontal flourish extending to the right.

Dale N. Johnson

DNJ/ack

Enclosure

cc: All Parties (w/enc.)

WALLINGFORD COMMUNITY COUNCIL, ET AL
HE File No: W-17-006 through W-17-014

WEEK ONE

	Monday - 6/25	Tuesday - 6/26	Wednesday - 6/27	Thursday - 6/28	Friday - 6/29	
8:00 - 8:30						8:00 - 8:30
8:30 - 9:00						8:30 - 9:00
9:00 - 9:30	STEINBRUECK, Peter	REID, William	LEVITUS, David	SHERRARD, David	KREISMAN, Lawrence	9:00 - 9:30
9:30 - 10:00						9:30 - 10:00
10:00 - 10:30				McCONACHIE, Lorne		10:00 - 10:30
10:30 - 11:00						10:30 - 11:00
11:00 - 11:30		KASPERZYK, Davidya	ROSS, Michael			11:00 - 11:30
11:30 - 12:00					GUESS, Carl	11:30 - 12:00
12:00 - 12:30						12:00 - 12:30
12:30 - 1:00						12:30 - 1:00
1:00 - 1:30			BLOOM, David			1:00 - 1:30
1:30 - 2:00				ZEMKE	FREMONT, E	1:30 - 2:00
2:00 - 2:30	WOO, Eugenia	OTT, Jennifer	McLAUGHLIN, Rick			2:00 - 2:30
2:30 - 3:00						2:30 - 3:00
3:00 - 3:30		SODT, Sara	RICHARDSON, Jeff	OXMAN, Michael		3:00 - 3:30
3:30 - 4:00					EWING, Kern	3:30 - 4:00
4:00 - 4:30	HOWARD, Spencer					4:00 - 4:30
4:30 - 5:00						4:30 - 5:00

WEEK TWO

	Monday - 7/23	Tuesday - 7/24	Wednesday - 7/25	Thursday - 7/26	Friday - 7/27	
8:00 - 8:30						8:00 - 8:30
8:30 - 9:00						8:30 - 9:00
9:00 - 9:30	AYRES, Dora	STEWART, John	KOEHLER, Rich	LEECH, Mike	MEFFORD, Chris (Cont/d)	9:00 - 9:30
9:30 - 10:00						9:30 - 10:00
10:00 - 10:30		SCARLET, Jennifer				10:00 - 10:30
10:30 - 11:00						10:30 - 11:00
11:00 - 11:30	WHEELER, Woodrow		MILLER, Jack	GRAHAM, Sharese	WILSON, Katie	11:00 - 11:30
11:30 - 12:00		ABELL, Tim				11:30 - 12:00
12:00 - 12:30						12:00 - 12:30
12:30 - 1:00						12:30 - 1:00
1:00 - 1:30		HOLLAND, Mark	MERRELL, Frederica	GRAHAM, Sharese (Cont/d)	WILSON, Kate (Cont/d)	1:00 - 1:30
1:30 - 2:00	VEITH					1:30 - 2:00
2:00 - 2:30		PENCE, Roger	REES, Janine	RUNDQUIST, Nolan **	JOHNSON, Paula	2:00 - 2:30
2:30 - 3:00	WARD	JOHN, Esther "Little Dove"				2:30 - 3:00
3:00 - 3:30		BATAYOLA, Maria	TOBIN-PRESSER, Christy			3:00 - 3:30
3:30 - 4:00	NELSEN, Dan	? [Not legible in photo]				3:30 - 4:00
4:00 - 4:30		GAGNON, Alex		MEFFORD, Chris	LOGAN, Ilon	4:00 - 4:30
4:30 - 5:00						4:30 - 5:00

WEEK THREE

	Monday - 8/20	Tuesday - 8/21	Wednesday - 8/22	Thursday - 8/23	Friday - 8/24	
8:00 - 8:30						8:00 - 8:30
8:30 - 9:00						8:30 - 9:00
9:00 - 9:30	TOBIN-PRESSER, Christy	LATOSZEK, Mira	JAMES, Michael	JACOBUS, Rick	RAMSEY, Kevin	9:00 - 9:30
9:30 - 10:00						9:30 - 10:00
10:00 - 10:30		McLAUGHLIN, Rick	LE, John; GIFFELS, Peg; HART, Bill;			10:00 - 10:30
10:30 - 11:00		STEWART, John	OSWALD, Barb; KELLER, Eve; Maria			10:30 - 11:00
11:00 - 11:30	BRADBURD, Bill					11:00 - 11:30
11:30 - 12:00		ABOLINS, Talis		WEINMAN, Richard		11:30 - 12:00
12:00 - 12:30						12:00 - 12:30
12:30 - 1:00						12:30 - 1:00
1:00 - 1:30	HILL, Greg	GIFFORD, Kevin	WELCH, Nick **		WENTLANDT, Geoff **	1:00 - 1:30
1:30 - 2:00				WEINMAN, Richard (Cont/d)		1:30 - 2:00
2:00 - 2:30						2:00 - 2:30
2:30 - 3:00	MOEHRING, Dan					2:30 - 3:00
3:00 - 3:30						3:00 - 3:30
3:30 - 4:00	HBS/Edge			ALVARADO, Emily & STALEY, Brennon		3:30 - 4:00
4:00 - 4:30						4:00 - 4:30
4:30 - 5:00	THALER, Toby					4:30 - 5:00