

Description	<p>HC-18-001 through HC-18-006 Minutes Alaskan Way Viaduct Project Monday, July 16, 2018</p> <p>Time: 9:00 a.m. Examiner: Barbara Dykes Ehrlichman Assistant: Alayna Johnson</p> <p>Party Representatives:</p> <p>John Gleason, 98 Union Homeowners Association, Appellant</p> <p>Kay Smith-Blum, Appellant</p> <p>Jackie Swarts, Appellant</p> <p>Andrew Konstantaras, Appellant</p> <p>Michael Roberts, Appellant</p> <p>Patrick Downs, Counsel for City</p> <p>Deborah Cade, Counsel for WSDOT</p> <p>Matthew Hewitt, Counsel for WSDOT</p>
Date	7/16/2018 Location Large Hearing Room

Time	Speak	Note
9:02:32 AM		Hearing Examiner opens hearing.
9:02:53 AM		Parties are introduced. Patrick Downs, Counsel for the City, is present.
9:03:00 AM		Deborah Cade, Counsel for WSDOT, is present.
9:03:08 AM		Matthew Hewitt, Counsel for WSDOT, is also present.
9:03:15 AM		Andrew Konstantaras, Appellant for HC-18-005, is present.
9:03:20 AM		Jackie Swarts, Appellant for HC-18-004, is present.
9:03:23 AM		Michael Roberts, Appellant for HC-18-006, is present.
9:03:27 AM		Kay Smith-Blum, Appellant for HC-18-003, is present.
9:03:32 AM		John Gleason, representative for 98 Union Homeowners Association, Appellant for HC-18-002, is present.
9:10:07 AM		Downs brings up preliminary matter regarding Konstantaras' exhibits.
9:12:03 AM		Downs moves to prohibit the entry of documents not on the original witness and exhibit list.
9:12:41 AM		Konstantaras responds.
9:15:15 AM		Hearing Examiner asks question of Downs.
9:15:42 AM		Downs responds.
9:19:14 AM		Konstantaras asks procedural question.
9:21:07 AM		Hearing Examiner rules that the documents submitted late will be excluded.
9:23:10 AM		Downs mentions second preliminary matter regarding an exhibit submitted by Smith-Blum.
9:27:35 AM		Hearing Examiner excludes the late exhibit.
9:30:00 AM		Gleason brings up preliminary matter regarding the submission of his opening statement.
9:30:48 AM		Downs asks for a copy of the statement when it is submitted to the record.
9:31:05 AM		Konstantaras asks procedural question.
9:32:59 AM		Cade makes proecedural request.
9:34:30 AM		Gleason begins opening statement for Appellant 98 Union Homeowners Association.
9:37:05 AM		Gleason concludes.
9:37:15 AM		Cade asks clarifying question of Gleason.
9:37:22 AM		Gleason responds.
9:38:26 AM		Gleason is sworn in.
9:38:49 AM		Swarts is sworn in.
9:39:02 AM		Swarts begins opening statement.
9:40:47 AM		Swarts concludes.
9:40:47 AM		Cade asks clarifying question of Swarts.
9:40:54 AM		Cade concludes.
9:41:17 AM		Downs begins opening statement.
9:42:53 AM		Downs concludes.
9:42:57 AM		Cade begins opening statement.
9:45:16 AM		Cade concludes.

9:45:32 AM	Gleason offers written copy of his opening statement and it is marked and admitted as Exhibit 1.
9:46:00 AM	Konstantaras begins opening statement.
9:49:43 AM	Konstantaras concludes.
9:49:54 AM	Smith-Blum begins opening statement.
9:56:56 AM	Smith-Blum concludes.
9:57:05 AM	Roberts begins opening statement.
10:01:10 AM	Roberts concludes.
10:01:58 AM	WSDOT calls Brian Nielsen as a witness and he is sworn in.
10:02:18 AM	Hewitt begins direct examination of Nielsen.
10:09:20 AM	Hewitt offers AWV Project Area and Zoning map and it is marked and admitted as Exhibit 2.
10:15:30 AM	Hearing Examiner asks clarifying question.
10:26:24 AM	Konstantaras asks for clarification.
10:28:58 AM	Hewitt concludes.
10:29:02 AM	Break. Back at 10:45.
10:47:00 AM	Back on the record.
10:47:10 AM	Smith-Blum begins cross examination of Nielsen.
10:57:29 AM	Cade objects; Sustained.
10:58:45 AM	Konstantaras asks question.
10:59:53 AM	Smith-Blum continues.
11:00:29 AM	Hewitt objects; relevance. Sustained.
11:01:03 AM	Konstantaras asks question.
11:01:39 AM	Hewitt objects; argument. Sustained.
11:04:43 AM	Hearing Examiner requests that direct examination questions be reserved until after cross examination is complete.
11:05:44 AM	Smith-Blum asks question.
11:10:48 AM	Downs objects; characterization of Code.
11:11:17 AM	Objection is reserved.
11:14:40 AM	Smith-Blum concludes.
11:14:47 AM	No redirect.
11:15:08 AM	Konstantaras begins direct examination of Nielsen.
11:21:20 AM	Konstantaras concludes.
11:21:26 AM	No cross examination.
11:21:49 AM	Downs calls James Dasher as a witness.
11:22:23 AM	Dasher is sworn in.
11:22:35 AM	Downs begins direct examination of Dasher.
11:23:25 AM	City's exhibit 1 will be marked as Exhibit 3. All City exhibits are marked and admitted as Exhibit 3 through Exhibit 9.
11:50:58 AM	Break for lunch. Back at 12:50.
12:52:00 PM	Back on the record.
12:52:07 PM	Downs continues direct examination of Dasher.
12:59:47 PM	Downs concludes.
12:59:57 PM	Konstantaras begins cross examination of Dasher.

1:01:54 PM	Cade asks for clarification.
1:06:12 PM	Downs objects; not included on exhibit list. Sustained.
1:08:47 PM	Downs objects; relevance.
1:08:56 PM	Konstantaras responds.
1:09:47 PM	Overruled.
1:18:12 PM	Downs objects; no question.
1:18:22 PM	Konstantaras withdraws.
1:18:34 PM	Smith-Blum asks question.
1:20:52 PM	Downs objects; relevance. Overruled.
1:26:12 PM	Downs asks for clarification.
1:29:55 PM	Downs objects; relevance.
1:30:23 PM	Hearing Examiner asks for more specificity.
1:31:49 PM	Downs objects; characterization of witness testimony.
1:32:22 PM	Withdrawn.
1:37:15 PM	Appellants conclude.
1:37:21 PM	Downs begins redirect examination of Dasher.
1:38:27 PM	Downs concludes.
1:38:43 PM	Downs calls Samuel Steele as a witness.
1:39:26 PM	Steele is sworn in.
1:39:35 PM	Downs begins direct examination of Steele.
1:49:41 PM	Downs concludes.
1:49:47 PM	Smith-Blum begins cross examination of Steele.
1:52:05 PM	Konstantaras asks a question.
1:52:25 PM	Roberts asks a question.
1:53:32 PM	Appellants conclude.
1:53:37 PM	Downs begins redirect examination of Steele.
1:53:57 PM	Downs concludes.
1:54:05 PM	Konstantaras begins recross examination of Steele.
1:54:16 PM	Konstantaras concludes.
1:54:23 PM	Downs calls Ioana Park as a witness.
1:54:40 PM	Park is sworn in.
1:54:49 PM	Downs begins direct examination of Park.
1:59:17 PM	Downs moves that Park be admitted as an expert in acoustics. So admitted.
2:21:01 PM	Konstantaras objects; witness is not a health expert.
2:21:24 PM	Downs responds. Hearing Examiner asks for more information.
2:22:51 PM	Overruled.
2:22:52 PM	Downs continues.
2:27:14 PM	Downs concludes.
2:27:20 PM	Smith-Blum begins cross examination of Park.
2:30:53 PM	Downs objects; relevance. Smith-Blum responds.
2:36:19 PM	Roberts begins cross examination of Park.
2:41:44 PM	Appellants conclude.

2:41:53 PM	City rests.
2:42:11 PM	Break. Back at 3 p.m.
3:00:51 PM	Back on the record.
3:01:21 PM	Cade calls Ginette Lalonde as a witness and she is sworn in.
3:08:02 PM	Hearing Examiner asks witness to repeat her answer.
3:16:49 PM	Cade introduces Lalonde's resume and a letter from SDCI to WSDOT and they are marked as Exhibits 10 and 11.
3:23:42 PM	Cade concludes.
3:23:53 PM	Konstantaras begins cross examination of Lalonde.
3:28:21 PM	Cade objects; no question.
3:32:00 PM	Konstantaras concludes.
3:32:03 PM	Roberts begins cross examination of Lalonde.
3:33:33 PM	Roberts concludes.
3:33:35 PM	WSDOT rests.
3:34:06 PM	Procedural discussion.
3:35:15 PM	Five minute break.
3:42:23 PM	Back on the record.
3:42:25 PM	Konstantaras begins testimony and offers an article which is marked as Exhibit 12.
3:45:36 PM	Konstantaras concludes.
3:45:42 PM	Konstantaras is sworn in.
3:46:24 PM	Cade begins cross examination of Konstantaras.
3:47:35 PM	Cade concludes.
3:47:43 PM	Roberts is sworn in.
3:47:50 PM	Roberts begins testimony.
3:49:40 PM	Roberts concludes.
3:49:52 PM	Downs calls Park as a rebuttal witness regarding Exhibit 12. f
3:50:19 PM	Downs begins direct examination of Park.
3:53:18 PM	Downs concludes.
3:53:23 PM	Konstantaras begins cross examination of Park.
3:54:18 PM	Downs objects; no question.
3:55:43 PM	Downs objects; compound, speculative.
3:55:48 PM	Konstantaras responds.
3:55:49 PM	Overruled.
3:57:08 PM	Downs objects; argumentative. Sustained.
3:57:35 PM	Konstantaras concludes.
3:57:39 PM	No redirect.
3:58:04 PM	Downs requests to do closing arguments in writing.
3:59:36 PM	Closing briefs will be due two weeks from today, Monday, July 30th.
4:01:20 PM	Hearing Examiner closes hearing.