

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of:

Hearing Examiner File WA-18-002

ELIZABETH CAMPBELL, ET AL,

APPELLANT CAMPBELL'S MOTION TO  
EXTEND DEADLINES AND FOR HEARING  
SCHEDULE CONTINUANCE

Of the adequacy of an FEIS issued by the Director,  
Seattle Office of Housing

RELIEF REQUESTED

Appellant Elizabeth Campbell respectfully requests that the Hearing Examiner extend the deadline for all parties to conduct discovery, set for today, August 24, 2018 to September 17, 2018.

STATEMENT OF FACTS

On Thursday of last week, August 16, 2018 Elizabeth Campbell, Appellant herein received a phone call from an informed source with comprehensive knowledge of the matter herein. The phone call was to alert her of two things. One, that the Talaris property that is an integral and critical part of the City's Alternatives #2 and #3 in the FEIS is now under a binding real estate contract; it previously was only reported in the news as being part of a potential real estate sale. And two, that there have been meetings between the City of Seattle, the Mayor's office, Office of Housing, Parks Department and a group of local individuals working to negotiate the identification and designation of an alternative location to the Talaris site in Seattle for the homeless and affordable housing projects; that was proposed to be built at the Fort Lawton Army Reserve Center property ("FLARC") (Alternative #2), or at the Talaris site (Alternative #3).

The goal of these heretofore unknown efforts is to facilitate the City's adoption of Alternative #3, the use of the FLARC property for purely park and recreational purposes and the offsite location of the homeless and affordable housing.

According to the informant a real estate contract to purchase the Talaris site has been signed, that materially affects the viability of the FEIS's Alternatives #2 and #3. There are multiple alternative sites now being considered by the City for the proposed homeless and affordable housing development under Alternative #3.

Since the phone call Appellant has endeavored to confirm the information received through regular channels and without benefit of a legally compelling authority that would induce more prompt, transparent, and complete responses to her inquiries. Appellant requires the authority of discovery in this matter, including the Hearing Examiner's power to compel discovery, in order to be able ascertain the facts related to the sale of the Talaris site and the nature of the City's participation in negotiations to dramatically change the direction of its activities in this matter, one or both of which these items if true changes many aspects of how or whether this matter would or should proceed to hearing.

STATEMENT OF ISSUE

Whether the deadline for conducting discovery should be extended to all the parties to conduct further discovery activities given the recent revelation of certain information that is critical to the proceedings herein.

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

AUTHORITY AND ARGUMENT

Hearing Examiner Rules of Practice and Procedure (“HER”) 2.16(d) allows for motions for extension of time. HER 1.03(c) also provides, “When questions of practice or procedure arise that are not addressed by these Rules, the Hearing Examiner shall determine the practice of procedure most appropriate and consistent with providing fair treatment and due process.”

An extension of time to conduct discovery into the matters which were only very recently discovered by the Appellant is necessary in order that the Appellant can prepare for the hearing, or if certain of the information in question proves true, it might be in the best interests of all parties in the matter to be able to have this time to either prepare for hearing or to consider if there realistically are other avenues of redress, negotiation, or settlement. Without this additional discovery time opportunities that affect the efficient use of the parties’ and the Office of Hearing Examiner’s time and resources may be lost.

The Appellant requests that along with the extension of the discovery time that the deadline times for submittals of exhibits and witness lists as well as the hearing schedule be adjusted accordingly, consistent with the next available times which the hearing examiner has for hearing this matter.

CONCLUSION

Based on the arguments above and the attached Letter, Certification of the Appellant, the Appellant requests that the Hearing Examiner grant its motion and extend the deadline for discovery to September 17, 2018, the witness and exhibit list submittal deadlines, and hearing schedule accordingly and consistent with the Hearing Examiner’s schedule.

DATED this 24<sup>th</sup> day of August, 2018.

ELIZABETH A. CAMPBELL



Appellant  
4027 21<sup>st</sup> Avenue West Suite 205  
Seattle, WA. 98199

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

CERTIFICATE OF SERVICE

I, Elizabeth Campbell, declare as follows

That on August 24, 2018 filed the Appellant's Motion to Extend Deadline and Continue Hearing Schedule and Appellant's Declaration, and this Certificate of Service with the Seattle Hearing Examiner using its e-filing system, and that on August 24, 2018 I also addressed said documents and deposited them for delivery as follows:

To the Hearing Examiner by E-File  
Ryan Vancil  
Deputy Hearing Examiner  
700 Fifth Avenue, Suite 4000  
Seattle, WA. 98104

To the City of Seattle by E-Mail  
Patrick Downs  
Assistant City Attorney  
[Patrick.Downs@seattle.gov](mailto:Patrick.Downs@seattle.gov)

Alicia Reise  
Alicia.Reise@seattle.gov

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington on this 24<sup>th</sup> day of August, 2018.



Elizabeth A. Campbell,  
Declarant