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6 BEFORE THE HEARING EXAMINER
7 CITY OF SEATTLE

8 In the Matter of the Appeal of:) Hearing Examiner File:
9)
10) **W-18-002**
11)
12) **DISCOVERY PARK COMMUNITY**
13) **ALLIANCE, et al.,**
14) Response to Motion to Extend Deadlines
15) and Continue Hearing
16 from a decision of the City of Seattle, Final)
17 Environmental Impact Statement for the Fort)
18 Lawton Army Reserve Center Redevelopment)
19 Project.)

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21 **I. INTRODUCTION**

22 Ms. Campbell's request to "extend" prehearing procedural dates that have passed and
23 continue a hearing that will commence in two weeks should be denied.

The basis for her request is she received a call telling her the Talaris property, an
alternative site addressed in the FEIS, was under a purchase and sale agreement; and that the
City is participating in negotiations to acquire a different property to site the housing proposal
identified in the FEIS.

This speculative information is irrelevant to the issue before the Examiner—is the Fort
Lawton Army Reserve Center Redevelopment Project FEIS adequate—and cannot serve as a
basis to support Ms. Campbell's motion.

1 Further, Ms. Campbell's request is prejudicial. The City made extensive preparations
2 with its witnesses who are scheduled to appear on September 25 when the hearing starts.

3 II. FACTS

4 On May 23, 2018, the Examiner issued a prehearing order setting this case schedule:

- 5 • June 15, 2018: prehearing motions;
- 6 • June 22, 2018: prehearing motion responses;
- 7 • June 27, 2018: prehearing motion replies;
- 8 • August 14, 2018: discovery cutoff;
- 9 • August 31, 2018: appellant's witness and exhibit list, and exhibit copies;
- 10 • September 7, 2018: City's witness and exhibit list, and exhibit copies; and
- 11 • September 25, 2018 through September 28, 2018: hearing.

12 Ms. Campbell made no discovery requests of the City. On September 4, 2018, Ms.
13 Campbell filed her motion with the Hearing Examiner's Office and provided a copy to the City
14 Attorney's Office. A 5:24 PM September 4, 2018 email from Alayna Johnson to the parties
15 confirms that Ms. Campbell's motion was "e-filed today, 9/4."

16 III. ISSUE

17 HER 2.16 allows motions for an extension of time. Ms. Campbell asks to extend now-
18 passed prehearing deadlines and to continue a hearing that is two weeks away on the basis of
19 speculative information irrelevant to this appeal. Should the Examiner grant the motion?

20 IV. ARGUMENT

21 The May 23, 2018 Examiner's prehearing order established clear dates for prehearing
22 procedural events and the hearing itself. HER 2.02 (y) defines "Timely" - within the time
23

1 prescribed by applicable law or, in the absence of applicable law, the time prescribed by Hearing
2 Examiner Rule or order.”

3 Ms. Campbell’s first action in this matter was to file this motion. The time for discovery
4 passed and any attempt to request discovery or take other prehearing procedural actions are not
5 timely. Any request for discovery from the City should have been made by Ms. Campbell at least
6 30 days before the August 24, 2018 cutoff. And the basis for Ms. Campbell’s discovery and her
7 motion in general—a purported sale of the Talaras property and an unfounded claim that the City
8 is negotiating to acquire an alternative site to locate the housing proposed in the FEIS request—
9 are irrelevant to the issue before the Examiner: is the FEIS adequate.

10 Ms. Campbell’s motion is also outside the scope of HER 2.16(d) that allows for “the
11 extension of time.” Ms. Campbell cannot request to “extend” prehearing procedural deadlines
12 that have passed. Even if continuing the hearing is an extension of time that request is prejudicial
13 to the City.

14 The City will call 11 witnesses at the hearing. Each witness has prepared extensively for
15 the hearing and has arranged to make themselves available for the hearing that starts on
16 September 25. Continuing the hearing is unreasonable and prejudicial given the preparations the
17 City has made and the efforts each witness has made to be available for the September 25
18 hearing.

19 In Hearing Examiner File MUP-10-017, the appellants moved for a continuance to
20 conduct discovery and to prepare for the hearing. The project proponent, Compass Housing,
21 objected and the motions were denied. The same result should be reached here when Ms.
22 Campbell offers no appropriate or relevant reason to revive passed prehearing procedural dates
23 or to continue the hearing she has had months to prepare for.

1 Finally, Ms. Campbell understands the importance of following the mandates in
2 prehearing orders. In addition to this matter, Ms. Campbell is the appellant in Safe and
3 Affordable Seattle, MUP-18-019, filed on 7/19/2018 (a pending appeal) and was the appellant in
4 Safe and Affordable Seattle, MUP-17-037, filed 11/16/2017; and In the Matter of the Appeal of
5 Earl B. Diller and Elizabeth Campbell from a decision of the Director of the Department of
6 Construction and Land Use on a master use permit, MUP-90-050 and MUP-90-05, filed on
7 11/13/1990.

8 As an experienced appellant, Ms. Campbell knows the dates set by the Examiner have
9 meaning.

10 IV. CONCLUSION

11 Ms. Campbell's motion to revive past deadlines and continue a hearing set to start in two
12 weeks should be denied. No relevant reason to "extend" past deadlines or continue the hearing
13 have been presented in her motion.

14 Dated this 10th day of September 2018.

15 PETER S. HOLMES
16 Seattle City Attorney

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Seattle Office of Housing

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of Respondents' **Response to**
3 **Motion to Extend Deadlines and Continue Hearing** with the Seattle Hearing Examiner using
4 its e-filing system.

5 I also certify that on this date, a copy of the same document was sent by email and U.S.
6 First-Class mail to the following party:

7 ***Appellants***

8 Discovery Park Community Alliance (DPCA)
9 c/o Elizabeth Campbell
4027 – 21st Avenue West, Suite 205
Seattle, WA 98199
10 dpcaccontact@gmail.com
neighborhoodwarrior@gmail.com

11 the foregoing being the last known address of the above-named party.

12 Dated this 10th day of September 2018, at Seattle, Washington.

13
14 s/Alicia Reise
ALICIA REISE, Legal Assistant