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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 for Reconsideration
15)
16 from a decision of the City of Seattle, Final
17)
18 Environmental Impact Statement for the Fort
19)
20 Lawton Army Reserve Center Redevelopment
21)
22 Project.)

23
24 The City incorporates its Response to Motion to Extend Deadlines and Continue hearing
25 into this response. The City offers no additional argument because none is warranted.

26 The purpose of this response is to address Ms. Campbell's statement on page 4 of her
27 motion for reconsideration where she states her motion to continue "was also sent on August 24th
28 to the City of Seattle, Patrick Downs and Alicia Reise via email and via first class mail."

29 As Ms. Reise declares, neither she nor I received Ms. Campbell's motion to continue on
30 August 24th by email or first-class mail and instead, received the motion on September 4.

31 Ms. Campbell herself told Alayna Johnson in a September 4 email (copy attached), "I did
32 send these out, as you know you got your copy, but they [including the motion to continue] did
33 not apparently get to the other parties."

1 Ms. Campbell has a duty of candor and honesty when making representations to the
2 Examiner. Claiming an August 24 service date in her motion for reconsideration when the City
3 did not receive the motion and Ms. Campbell previously said they [including the motion to
4 continue] did not apparently get to the other parties” is inconsistent with that duty.

5 Dated this 18th day of September 2018.

6 PETER S. HOLMES
7 Seattle City Attorney

8 By: s/Patrick Downs, WSBA #25276
9 Assistant City Attorney
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17 *Seattle Office of Housing*
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CERTIFICATE OF SERVICE

I certify that on this date, I electronically filed a copy of Respondents' **Response to Motion for Reconsideration and Declaration of Alicia Reise In Support of City's Response to Motion for Reconsideration** with the Seattle Hearing Examiner using its e-filing system.

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

Appellants

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

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

Dated this 18th day of September 2018, at Seattle, Washington.

s/Alicia Reise
ALICIA REISE, Legal Assistant

Downs, Patrick

From: Elizabeth Campbell, MPA <neighborhoodwarrior@gmail.com>
Sent: Tuesday, September 04, 2018 5:01 PM
To: Johnson, Alayna
Cc: Mills, William; Ralph Neis; Reise, Alicia L; Downs, Patrick; Elizabeth Campbell
Subject: Re: MUP-18-019 SDCI Reply-Motion and Declaration
Attachments: Fort Lawton Motion Continuance Discovery WA-18-002 8-24-2018.pdf; 1601 Response to Motion to Partially Dismiss MUP 18 019 8-24-2018 IP.docx

This is a disaster on my end - I was going to write you Alayna and let you know that despite the issue with the access to e-filing that I in fact had emailed the documents in the Fort Lawton and 1601 matter to all of the other parties in each matter. I have gone back now and searched and searched and cannot find them to send you that confirmation - !!

I think what it is that I mailed them through Word 365 online, but I don't know where it keeps a record, if it does, how it sends things out. I checked both Windows 10 Mail and Outlook and the items I sent do not show up in "Sent" in those, nor do they show up in my Gmail account. I did send these out, as you know you got your copy, but they did not apparently get to the other parties. Yours I sent through Gmail, which may have been the difference.

I have uploaded two items to W-18-002, attached hereto also

I have uploaded one item to MUP 18 19, attached hereto also.

Then I am sending this email to the parties in both matters, I think it is clear which documents go to which parties.

All I can do is apologize to each of the individuals here - this is not typical for me to have problems sorting papers out and getting them to people. I've been trying to do things "in the cloud" with Word and storing my files in One Drive but I'm finding that it is not straight forward, consistent, where my files are being stored. Sorry for the confusion, really.

Elizabeth Campbell

On Tue, Sep 4, 2018 at 10:41 AM Johnson, Alayna <Alayna.Johnson@seattle.gov> wrote:

Thank you for your e-mail. You said near the end that you had e-filed the documents you sent via e-mail, and I wanted to let you know that we did *not* receive those documents in the e-filing portal, and as of now they are not considered filed. You will need to successfully e-file them in order for the Hearing Examiner to consider them.

You also mention that you believe "they have now gone a second time to the appropriate parties." I may be misunderstanding that part, but I want to point out that e-filing a document does not send it to the other parties, only to the Hearing Examiner's Office. When you e-file, you still need to manually e-mail the documents to the other parties.

Thank you!

From: Elizabeth Campbell, MPA <neighborhoodwarrior@gmail.com>
Sent: Tuesday, September 4, 2018 10:16:23 AM
To: Mills, William

Cc: Johnson, Alayna; Sharon Lee

Subject: Re: MUP-18-019 SDCI Reply-Motion and Declaration

Dear All,

My apologies for any confusion regarding lines of communication.

My understanding regarding electronic service is that is what we were doing, sending our motions, communications via email. My understanding during the pre-hearing conference regarding filing was the only thing I did not want to send electronically was the literal exhibits for the hearing, not any communications or documents in the interim time. Perhaps I misunderstood what the hearing examiner was referencing - I have no problem with the electronic service outside of that. Hence, my sending the replies I have via email to the parties - and presuming they were doing the same with me.

In regards to the use of OHE's e-filing system, there was a snafu regarding that. I did not realize until I went to use it that there was a literal special "invitation" so to speak that OHE had to activate in order to be able to e-file. Having only had the experience of e-filing an initial appeal I did not know that any subsequent filings had to be allowed through e-file. That has now been remedied, i have been granted e-filing access.

The second apology is related to then, filing again using e-filing, the documents that I "filed" via email directly to Alayna, Bill, Ralph, et al. I believe that having filed them now using e-file portal, that they now have gone a second time to the appropriate parties.

My third apology is some time and access issues I have had. I recently started a new position that has taken time from my normal schedule, and then I have also moved to having my documents online, in the cloud, which has created some confusion for me - like where are my documents. These are truly my problems and I am sorry for the initial confusion these things may have contributed to the matter herein.

Please let me know if I have mis-filed anything at this point, I believe that I am now current with the e-filing system.

And please let me know regarding the distinction between wanting to get the hearing exhibits via hard copy and receiving all other documents via e-filing or email - I have no objection to that.

Thank you for your time.

Elizabeth Campbell

On Fri, Aug 31, 2018 at 4:29 PM Mills, William <William.Mills@seattle.gov> wrote:

Please see the attached electronic copies of documents also served directly on the Office of Hearing Examiner and by first-class mail to the parties.

 Bill Mills

Land Use Planner Supervisor

[Seattle Department of Construction and Inspections](#)

O: 206.684.8738 | william.mills@seattle.gov

[Facebook](#) | [Twitter](#) | [Blog](#)

As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety, and health in our communities.

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Elizabeth Campbell, MPA