

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeals of  
**SAVE MADISON VALLEY**

Hearing Examiner File:  
**MUP 18-020 (DR, W) &  
S-18-011**

from approval of a land use  
application and a land use  
interpretation by the Director,  
Department of Construction  
and Inspections

**SECOND AMENDED  
PREHEARING ORDER**

A prehearing conference was held in these consolidated appeals on September 13, 2018. The Appellant Save Madison Valley was represented by Claudia Newman, attorney-at-law, and Tony Hacker was also present. The Applicant TVC Madison Co. LLC was represented by Patrick Mullaney and Jeremy Eckert, attorneys-at-law, and Geza de Gall was also present. The Director of the Department of Construction and Inspections (“Department”) was represented by William Mills. Also present on behalf of the Department was Magda Hogness.

At the prehearing conference, the following was agreed to by the parties:

1. The parties are engaging in prehearing discovery on their own initiative and will notify the Deputy Hearing Examiner only if necessary.
2. Appellant shall file a response to the Motion for Clarification (filed by the Applicant on September 13, 2018) with the Office of Hearing Examiner and serve it on the other parties, no later than 5:00 PM on September 20, 2018.
3. Applicant, at its option, may file a reply to the Motion for Clarification. If it does, it shall be filed with the Office of Hearing Examiner and served on the other parties, no later than 5:00 PM on September 25, 2018.
4. The City shall file a preliminary exhibit list with the Office of Hearing Examiner and served on the other parties, no later than 5:00 PM on October 15, 2018.
5. Preliminary witness<sup>1</sup> and exhibit lists shall be filed with the Office of Hearing Examiner and served on the other parties, no later than 5:00 PM on October 19, 2018.

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<sup>1</sup> Witness lists must include the names of witnesses and a brief summary of their expected testimony. If a witness will be testifying as an expert, a statement of qualifications must

6. The parties anticipate the filing of pre-hearing dispositive motions. Any party filing a pre-hearing dispositive motion must file the motion with the Office of Hearing Examiner, and serve a copy on all other parties, no later than 5:00 PM on October 19, 2018.
7. Any party responding to a pre-hearing dispositive motion shall file serve its response to the motion with the Office of Hearing Examiner and serve a copy on all other parties, no later than 5:00 PM on October 31, 2018.
8. Any party who filed a pre-hearing dispositive motion shall file and serve its reply to the motion with the Office of Hearing Examiner and serve a copy on all other parties, no later than 5:00 PM on November 7, 2018.
9. The parties anticipate the filing of pre-hearing procedural motions. Any party filing a pre-hearing procedural motion must file the motion with the Office of Hearing Examiner, and serve a copy on all other parties, no later than 5:00 PM on November 1, 2018.
10. Any party responding to a pre-hearing procedural motion shall file and serve its response to the motion, no later than 5:00 PM on November 8, 2018.
11. Any party who filed a pre-hearing procedural motion shall file and serve its reply, no later than 5:00 PM on November 14, 2018.
12. Final witness<sup>2</sup> and exhibit lists shall be filed with the Office of Hearing Examiner and served on all other parties, no later than 5:00 PM on November 20, 2018.
13. Each party shall serve the other party a copy of each of the exhibits listed on their respective exhibit lists, no later than 5:00 PM on November 20, 2018. Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy. Parties are not required to provide copies of an exhibit to another party if the other party is known to possess a copy of the exhibit.

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be included. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

<sup>2</sup> Witness lists must include the names of witnesses and a brief summary of their expected testimony. If a witness will be testifying as an expert, a statement of qualifications must be included. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

14. Parties may file a “response final witness list”<sup>3</sup> which may include any witnesses needed to respond to new witnesses identified on the final witness list of another party in the same manner all previous witness lists were filed and served, no later than 5:00 PM on December 3, 2018.
15. The hearing in this matter is scheduled to be held on Monday, December 10, 2018, beginning at 9 a.m. until 5 p.m. in the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40<sup>th</sup> Floor) Seattle, Washington. The hearing room is reserved for this hearing December 11, 12, 13 and 17<sup>th</sup> from 9 a.m. to 5 p.m. if necessary, to complete the hearing.

The parties are reminded that Hearing Examiner Rule (HER) 2.05(a) requires that any electronically filed document more than 10 pages in length, including exhibits, must also be delivered to the Hearing Examiner in hard copy; and HER 2.05(c) prohibits the filing of more than 15 pages with the Office of Hearing Examiner by electronic facsimile.

Entered this 26<sup>th</sup> day of September, 2018.



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<sup>3</sup> Witness lists must include the names of witnesses and a brief summary of their expected testimony. If a witness will be testifying as an expert, a statement of qualifications must be included. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached Second Amended Prehearing Order to each person listed below, or on the attached mailing list, in the matters of Save Madison Valley. Hearing Examiner Files: MUP-18-020 (DR, W) & S-18-011 in the manner indicated.

Party	Method of Service
<b>Appellant Legal Counsel</b> Claudia Newman newman@bnd-law.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Applicant Legal Counsel</b> Jeremy Eckert jeremy.eckert@foster.com  Patrick Mullaney patrick.mullaney@foster.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Department</b> Magda Hogness SDCI magda.hogness@seattle.gov  William Mills SDCI william.mills@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: September 26, 2018

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 Alayna Johnson  
 Legal Assistant