

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

**QUEEN ANNE
COMMUNITY COUNCIL**

of the land use decision approving
an administrative conditional use
application issued by the Seattle Department

Hearing Examiner File:
W-18-009

**AMENDED
PREHEARING
ORDER**

On November 8, 2018, a prehearing conference was held regarding this matter. Represented at the conference was the Appellant, Queen Anne Community Council by Jeffrey M. Eustis, attorney-at-law (“Appellant”). The City of Seattle was represented by Tadas Kiselius, attorney-at-law (“City”). Also present was Martin Henry Kaplan, for the appellant, and Aly Pennucci, legislative analyst for the Seattle City Council. Deputy Hearing Examiner Barbara Dykes Ehrlichman (“Examiner”) presided over the prehearing conference.

During the prehearing conference the parties discussed possible mediation, discovery schedule, dispositive motion schedule, identified a schedule for preliminary and final witness and exhibit lists, and indicated their availability for future hearing dates. The following matters were discussed and resolved:

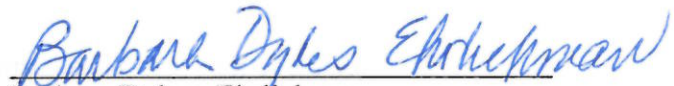
1. Possible Mediation: The parties agreed to communicate regarding possible mediation of some or all of the issues with respect to the appeal. Should there be a need to continue any of the dates in this prehearing order to allow for mediation, the parties will notify the Examiner at their earliest opportunity.
2. Discovery: The parties are engaging in prehearing discovery on their own initiative and will notify the Examiner only if necessary. The City represented that it will have a complete response to the public records request filed by the Appellant by December 14, 2018. If the City fails to meet that deadline, it shall notify the Examiner forthwith of the date by which it expects to fully respond.
3. Electronic Service: The parties agreed to electronic service of materials.
4. Prehearing Motions: The City may file a pre-hearing motion. If so, the following dates are applicable:
 - a. City: The City’s motion and opening brief shall be filed no later than 5 p.m. on November 30, 2018.
 - b. Appellant: The Appellant’s response brief shall be filed no later than 5 p.m. on December 14, 2018.

c. City: The City's reply brief shall be filed no later than 5 p.m. on December 21, 2018.

5. Core Documents: The City will provide the Examiner with a hard copy of the Final Environmental Impact Statement at least one month prior to hearing, or by February 25, 2018. The City shall identify core documents to be provided by the City in this appeal. The City shall file with the Office of Hearing Examiner, and serve a copy on the other parties, a copy of the core document list, no later than 5:00 PM on January 22, 2019.
6. Preliminary Lists: Each party shall file with the Office of Hearing Examiner, and serve a copy on the other parties, a copy of their preliminary witness list,¹ and preliminary exhibit list, no later than 5:00 PM on January 29 31, 2019.
7. Appellant's Final Lists: The Appellant shall file and serve a copy of their final witness list, and exhibit list, no later than 5:00 PM on February 12, 2019. The Appellant shall serve the City with a copy of each of the exhibits listed on the exhibit list, no later than 5:00 PM on February 12, 2019. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy).
8. City's Final Lists: The City shall file and serve a copy of their final witness list, and exhibit list, no later than 5:00 PM on February 19, 2019. The City shall serve the Appellant a copy of each of the exhibits listed on the exhibit list (including the core document list), no later than 5:00 PM on February 19, 2019. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy).

The hearing in this matter is scheduled to be held on March 25, 2018, beginning at 9 a.m. in the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40th Floor) Seattle, Washington. In addition to this initial hearing date, March 26, 27, 28, and 29 have been reserved on the hearing calendar for continuation of the hearing.

Entered this 31st day of January, 2019


Barbara Dykes Ehrlichman
Deputy Hearing Examiner
Office of Hearing Examiner

¹ Witness lists must include the name of each witness, a brief summary of the witness' expected testimony, and the approximate amount of time that will be required for the testimony. If a witness will be testifying as an expert, a statement of the witness' 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 **Amended Prehearing Order** to each person listed below, or on the attached mailing list, in the matter of **Queen Anne Community Council**, Hearing Examiner File: **W-18-009**, in the manner indicated.

Party	Method of Service
Appellant Legal Counsel Jeffrey Eustis eustislaw@comcast.net	<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
Department Legal Counsel Tadas Kisielius tak@vnf.com Dale Johnson dnj@vnf.com Clara Park cpark@vnf.com Jeff Weber jeff.weber@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: January 31, 2019



Alayna Johnson
Legal Assistant