

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeals of

Hearing Examiner Files:
W-18-012 & W-18-013

SEATTLE FOR GROWTH, ET AL.

from a Determination of Non-Significance issued
by the Seattle City Council

**SECOND
PREHEARING
ORDER AND ORDER ON
MOTION FOR
CONTINUANCE**

On February 25, 2019, Seattle Mobility Coalition (“SMC”) filed a Motion for Continuance of hearing and prehearing dates for these consolidated matters. A hearing on the motion was held on February 27, 2019. Seattle for Growth, the City of Seattle (“City”), and SMC representatives were in attendance at the hearing.

The motion indicates that SMC submitted a request to the City for documents related to the Determination of Non-Significance (“DNS”) that is the subject of this appeal. SMC submitted this request for documents on November 19, 2019, and identified this request at the pre-hearing conference in this matter on December 19, 2018. The City has indicated that it will provide the requested records on or about March 8, 2019. The hearing in this matter is scheduled for March 18 through March 20, thus the documents would arrive only a short time in advance of the hearing, and would not allow SMC adequate time to process the documents for identification and for use at the hearing. SMC indicated in the motion and at the hearing that the documents are likely necessary to its ability to prosecute its case. Seattle for Growth supported the motion at the hearing. The City opposed the motion on the basis that the proposed legislation that is the subject of the DNS would be delayed.

SMC has the right to prosecute its case, and provided adequate notice to the City of the need for the documents. In addition, even with the current March hearing dates it is likely the City’s legislation will be delayed.

The Motion for Continuance is **GRANTED**.

The new pre-hearing and hearing schedule shall be as follows:

1. The Appellants shall file and serve their final witness lists¹ and final exhibit lists, no later than 5:00 PM on April 22, 2019. The Appellants shall serve the other parties a copy of each of the exhibits listed on their exhibit lists, no later

¹ Witness lists must include the names of witnesses, a brief summary of their expected testimony, and an estimate of the time a witness is expected to provide direct testimony. If a witness will be testifying as an expert, a statement of qualifications must be included with the witness list. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

than 5:00 PM on April 22, 2019. (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. Parties must be prepared to provide a copy of any exhibit to be introduced at the hearing in hard-copy form to the Hearing Examiner.)

2. The City shall file and serve its final witness list and final exhibit list, no later than 5:00 PM on April 29, 2019. The City shall serve the other parties a copy of each of the exhibits listed on its exhibit list, no later than 5:00 PM on April 29, 2019.

The hearing in this matter is scheduled to be held on June 10, 2019, beginning at 9:00 AM 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, June 12 and 18 have been reserved on the hearing calendar for continuation of the hearing.

Entered this 5th day of March, 2019



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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 Prehearing Order and Order on Motion for Continuance** to each person listed below, or on the attached mailing list, in the matters of **Seattle For Growth et al.**, Hearing Examiner Files: **W-18-012 & W-18-013**, in the manner indicated.

Party	Method of Service
Appellant for W-18-012 Roger Valdez roger@seattleforgrowth.org Appellant Legal Counsel for W-18-013 Courtney Kaylor courtney@mhseattle.com Lauren Verbanik lverbanik@mhseattle.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
Department Legal Counsel Liza Anderson Liza.anderson@seattle.gov Alicia Reise Alicia.reise@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: March 5, 2019



Alayna Johnson
Legal Assistant