

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeals of  
**NEIGHBORS TO MIRRA HOMES  
DEVELOPMENTS**

from decisions issued by the Director,  
Seattle Department of Construction  
and Inspections

Hearing Examiner Files:  
**MUP 19-019 (P) &  
MUP 19-020 (P)**

Department References:  
3032834-LU & 3032833-LU

**AMENDED  
PREHEARING ORDER**

On May 29, 2019, a prehearing conference was held regarding these matters. Represented at the conference was Neighbors to Mirra Homes Developments, by David Moehring, party representative ("Appellant"). The project proponents, Brooke Friedlander and Andrew McAndrews, and the property owner, Mirra 111 LLC, were represented by Brandon Gribben, attorney-at-law ("Applicants"). The City of Seattle Department of Construction and Inspections was represented by David Landry, land-use planner ("City"). Also present was Colt Boehme, for the Applicant. Deputy Hearing Examiner Barbara Dykes Ehrlichman ("Examiner") presided over the prehearing conference.

During the prehearing conference the parties discussed possible mediation, discovery, dispositive motion schedule, a schedule for preliminary and final witness and exhibit lists, and availability for future hearing dates. Discussion included the matters set out below and dates were initially set. On June 14, 2019, the Examiner received a motion from the Appellant for extension of the date for response to the prehearing motion and for submittal of the preliminary witness list, due to delays by City departments in responding to public disclosure requests. The Examiner extended those dates as requested by the Appellant. All other dates remain the same.

1. Discovery: The parties are engaging in prehearing discovery on their own initiative and will notify the Examiner only if necessary. The Appellant may file motions for subpoenas of certain individuals with the Examiner. Any motion for a subpoena must comply with the requirements of Hearing Examiner Rule of Procedure ("HER") 3.12.
2. Prehearing Motions: The Applicant indicated it may file a pre-hearing dispositive motion. If so, the following dates are applicable:
  - a. Applicant/City: The motion shall be filed no later than 5 p.m. on June 10, 2019.
  - b. Appellant: The response shall be filed no later than 5 p.m. on July 1, 2019.

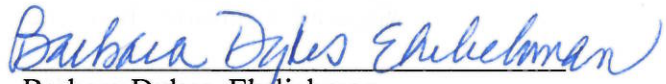
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- c. Applicant/City: The reply shall be filed no later than 5 p.m. on July 10, 2019.
3. Witness List Format: Witness lists must include the name of each witness, a brief summary of the witness' expected testimony, and the approximate amount of time 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.
4. 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, and preliminary exhibit list, no later than 5:00 PM on July 10, 2019.
5. Appellant's Final Lists: The Appellant shall file and serve a copy of his final witness list, and exhibit list, no later than 5:00 PM on July 22, 2019. The Appellant shall serve the Applicant and the City with a copy of each of the exhibits listed on the exhibit list, no later than 5:00 PM on July 22, 2019. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy).
6. Applicant's and City's Final Lists: The Applicant and the City shall file and serve a copy of their final witness lists, and exhibit lists, no later than 5:00 PM on July 29, 2019. The Applicant and the City shall serve the Appellant with a copy of each of the exhibits listed on the exhibit list, no later than 5:00 PM on July 29, 2019. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy).

The hearing on this matter is scheduled to be held on August 12, 2019, beginning at 9 a.m. in the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40<sup>th</sup> Floor) Seattle, Washington. In addition to this initial hearing date, August 13, 14, and 15 have been reserved on the hearing calendar for continuation of the hearing.

Entered this 20<sup>th</sup> day of June, 2019

  
Barbara Dykes Ehrlichman  
Deputy Hearing Examiner  
Office of Hearing Examiner

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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 matters of **Neighbors to Mirra Homes Developments**, Hearing Examiner Files: **MUP-19-019 (P) & MUP-19-020 (P)** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Appellant Representative</b> David Moehring dmoehring@consultant.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> Brandon Gribben bgribben@helsell.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> David Landry SDCI david.landry@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: June 20, 2019

  
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Alayna Johnson  
Legal Assistant