1 Barbara Dykes Ehrlichman, Deputy Hearing Examiner 2 3 4 BEFORE THE HEARING EXAMINER 5 CITY OF SEATTLE 6 7 In the Matter of the Appeal by) Hearing Examiner Files: 8) MUP-19-019 and MUP-19-020 9 Neighbors to Mirra Homes Developments) SDCI Reference 3032834-LU / 3032833-LU 10 from Decisions Issued by the Director of the Seattle Department of APPELLANT'S REQUEST FOR 11 Construction and Inspections **SUBPEONAS** 12 13 **Subpoena of Mentioned Parties** 14 15 Pursuant to Hearing Examiner Rules HER 3.12 Subpoenas, the Neighbors to Mirra 16 Homes Developments, hereafter the Appellants, respectfully requests to subpoena 17 identified herein to provide testimony relative to exhibits provided and their involvement 18 in this Type II discretionary decision. By the May 15, 2019 order, all requests apply to 19 both properties that were rightfully consolidated into one appeal hearing. 20 21 It is assumed, unless objected to and sustained by the Deputy Hearing Examiner for thus 22 case, the Brooke Friedlander of Mirra Homes and Andy McAndrews of Terrane remain 23 as parties to the appeal as they will be asked to testify without the need for a subpoena. 24 The Appellants, however, would like the Office of Hearing Examiner to prepare several 25 26 subpoenas relative to evidence in the case. In a few cases, the relative City staff are yet to 27 be identified by name pending the results of several Public Records requests to Seattle 28

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departments which was issued per RCW42.56 on April 30, 2019 for the following involved parties:

- 1. Construction & Inspections C041446-043019, name(s) forthcoming;
- 2. Fire Marshal's Office C041447-043019, name forthcoming;
- 3. Department of Transportation C041448-043019, name forthcoming.

 In addition to the above yet to be identified Seattle staff representatives, subpoenas to testify on one of the determined hearing dates shall include:
 - 4. Scott Pawling, P.E., Senior Geotechnical Engineer, Seattle Department of Construction and Inspections, O: 206.684.0819 | scott.pawling@seattle.gov
 - 5. Architect in charge, JW Architects LTD, 1257 S King St, Seattle, WA 98144
 - John A. Manke, or H. Michael Xue, P.E., PanGEO, 3213 Eastlake Avenue East,
 Ste B, Seattle, Washington 98102-3513

By the rules of the Hearing Examiner, each of these subpoenas are for the purpose to require these persons to appear and testify at a deposition or hearing, or for a person to produce specified documents or other physical exhibits. The Appellants reserve the right to withdrawn one or more subpoenas if the Applicant or Department also intends on using any of these parties or entity representatives within their testimony. We ask that the Office of the Hearing Examiner request for each person that is called to establish in a timely manner before the hearing any schedule of fees associated with their participation and - where under the authority of the Deputy Hearing Examiner – request that fees be waived for City Staff associated with the properties of this appeal.

Dated this 29th day of May 2019.

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Respectfully submitted,

David Moehring,

Neighbors to Mirra Homes Developments, 3444B 23rd Avenue West Seattle, Washington 98199