

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

**NEIGHBORS TO MGT4
DEVELOPMENT**

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

Hearing Examiner File:
MUP 19-024 (P)

Department Reference:
3032887-LU

**PREHEARING
ORDER**

On July 16, 2019, a prehearing conference was held regarding this matter. Represented at the conference was Neighbors to MGT4 Development, by David Moehring, party representative ("Appellant"). The Applicant, Andy McAndrews, and the property owner were represented by Brandon Gribben, attorney-at-law ("Applicant"), and Alex Mason was also present. The City of Seattle Department of Construction and Inspections was represented by Michael Houston, land use planner, and Jerry Suder, land use planner supervisor ("City"). 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. The following matters were discussed and resolved:


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 requests for subpoenas.
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 PM on August 5, 2019.
 - b. Appellant: The response shall be filed no later than 5 PM on August 19, 2019.
 - c. Applicant/City: The reply shall be filed no later than 5 PM on August 23, 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 August 26, 2019.
5. Appellant's Final Lists: The Appellant shall file and serve a copy of its final witness list, and exhibit list, no later than 5:00 PM on September 23, 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 September 23, 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 September 30, 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 September 30, 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 **October 7, 2019, beginning at 9 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, October 8, 9, and 10 have been reserved on the hearing calendar for continuation of the hearing.

Entered this 17th day of July, 2019


Barbara Dykes Ehrlichman
Deputy Hearing Examiner
Office of Hearing Examiner

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

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 **Prehearing Order** and **Notice of Hearing** to each person listed below, or on the attached mailing list, in the matter of **Neighbors to MGT4 Development**, Hearing Examiner Files: **MUP-19-024 (P)** in the manner indicated.

Party	Method of Service
Appellant Representative 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
Applicant Legal Counsel Brandon Gribben bgribben@helsell.com Samuel Jacobs sjacobs@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
Department Michael Houston SDCI Michael.t.houston@seattle.gov William Mills William.mills@seattle.gov Janet Oslund Janet.Oslund@seattle.gov SCI_LUIB SCI_LUIB@seattle.gov Darlene Edwards Darlene.edwards@seattle.gov Shelley Bolser	<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

Shelley.Bolser@seattle.gov

Stephanie Haines
Stephanie.Haines@seattle.gov

Andy McKim
Andy.McKim@seattle.gov

William Mills
William.Mills@seattle.gov

Bruce Rips
Bruce.Rips@seattle.gov

Lisa Rutzick
Lisa.Rutzick@seattle.gov

Jerry Suder
Jerry.Suder@seattle.gov

Nathan Torgelson
Nathan.Torgelson@seattle.gov

David Graves
David.graves3@seattle.gov


Megan Neuman
Megan.neuman@seattle.gov

Samantha Updegrave
Samantha.updegrave@seattle.gov

David Vn Skike
David.vanskike@seattle.gov

SCI_Routing_Coordinator@seattle.gov

Dated: July 17, 2019



Alayna Johnson
Legal Assistant