

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

**SAFE AND AFFORDABLE SEATTLE,
et al.,**

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

Hearing Examiner File:
W-19-006

**PREHEARING
ORDER**

On September 16, 2019, a prehearing conference was held regarding this matter. Represented at the conference were the Appellants Safe and Affordable Seattle, Magnolia Neighborhood Planning Council, and Elizabeth Campbell, by Elizabeth Campbell (“Appellants”). The Seattle City Council was represented by Daniel Mitchell, attorney-at-law (“City”). Also present for the City was Art Lansing, Legal Intern, and Aly Pennucci, Supervising Analyst for City Council Central Staff. 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. Discovery deadlines are as follows:
 - a. Discovery Requests: Any discovery request in this case must be filed with the other party no later than 5:00 p.m. on September 30, 2019.
 - b. Response to Discovery Requests: Any response to a timely discovery request in this case must be filed with the other party no later than 5:00 p.m. on October 28, 2019.
3. Prehearing Motions: The City may file a pre-hearing motion. If so, the following dates are applicable:
 - a. City: The motion and opening brief shall be filed no later than 5:00 p.m. on November 12, 2019.

- b. Appellants: The response brief shall be filed no later than 5:00 p.m. on November 19, 2019.
- c. City: The reply brief shall be filed no later than 5:00 p.m. on November 22, 2019.
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,¹ and preliminary exhibit list no later than 5:00 p.m. on November 4, 2019.
5. Appellants' Final Lists: The Appellants shall file and serve a copy of their final witness list, and exhibit list no later than 5:00 p.m. on December 3, 2019. The Appellants shall serve the City with a copy of each of the exhibits listed on the exhibit list no later than 5:00 p.m. on December 3, 2019. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy).
6. City's Final Lists: The City shall file and serve a copy of its final witness list, and exhibit list no later than 5:00 p.m. on December 10, 2019. The City shall serve the City with a copy of each of the exhibits listed on the exhibit list no later than 5:00 p.m. on December 10, 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 December 17, 2019, beginning at 9:00 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, December 18th and 19th, 2019 have been reserved on the hearing calendar for continuation of the hearing.

Entered this 16th day of September, 2019


Barbara Dykes Ehrlichman
Deputy 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 **Prehearing Order** to each person listed below, or on the attached mailing list, in the matters of **Safe and Affordable Seattle, et al.**, Hearing Examiner File: **W-19-006**, in the manner indicated.

Party	Method of Service
Appellant Elizabeth Campbell neighborhoodwarrior@gmail.com Safe and Affordable Seattle (SAAS) safeseattlebuzz@gmail.com Magnolia Neighborhood Planning Council magnoliaplan@gmail.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 Aly Pennucci aly.pennucci@seattle.gov Ketil Freeman ketil.freeman@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
Department Legal Counsel Dan Mitchell City Attorney's Office daniel.mitchell@seattle.gov Patrick Downs patrick.downs@seattle.gov Art Lansing art.lansing@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: September 16, 2019

A handwritten signature in cursive script, appearing to read "Galen Edlund-Cho". The signature is written in dark ink and is positioned above a horizontal line.

Galen Edlund-Cho
Legal Assistant