

<b>Description</b>	<p>Recording of MUP-19-031 (DD, DR, S, SU, W), Day 2  ESCALA OWNERS ASSOCIATION  3018037-LU  Tuesday, January 28, 2020</p> <p>Time: 9:00 a.m.  Examiner: Ryan Vancil</p> <p>Party Representative:</p> <p>John Sosnowy, for the Appellant</p> <p>Claudia M. Newman, Appellant Counsel</p> <p>Courtney Kaylor, Applicant Legal Counsel</p> <p>G. Richard Hill, Applicant Legal Counsel</p> <p>David P. Carpman, Applicant Legal Counsel</p> <p>Bill Mills, for the Department</p> <p>Shelley Bolser, for the Department</p> <p>John Shaw, for the Department</p> <p>Crystal Torres, for the Department</p> <p>Liza Anderson, Department Legal Counsel</p>
<b>Date</b>	<div>1/29/2020</div> <div><b>Location</b></div> <div>LargeHearingRoom</div>

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Time	Speaker	Note
<a href="#">8:57:53 AM</a>		
<a href="#">9:00:33 AM</a>		On the record.
<a href="#">9:00:40 AM</a>		Hearing Examiner commences Day 2 of MUP-19-031 (DD, DR, S, SU, W).
<a href="#">9:01:06 AM</a>		Hearing Examiner enquires if any new procedural****
<a href="#">9:01:26 AM</a>		Hearing Examiner swears-in Franklin Rose, as the the Appellant's witness.
<a href="#">9:01:44 AM</a>		Newman enquires about Franklin Rose's professional history.
<a href="#">9:02:54 AM</a>		Rose responds to Newman's enquiry regarding his current occupation.
<a href="#">9:03:58 AM</a>		Rose responds to Newman's enquiry regarding truck operations within City limits.
<a href="#">9:04:27 AM</a>		Newman clarifies line of questioning for Rose.
<a href="#">9:04:34 AM</a>		Rose responds to Newman's enquiries regarding current traffic conditions and prospective traffic conditions on the cross streets of Stewart and Virginia, and pr ****
<a href="#">9:06:50 AM</a>		Newman offers Transportation Correction Response (Sept. 10, 2019), it is marked as Exhibit 28.
<a href="#">9:08:14 AM</a>		Rose responds to Newman's enquiries regarding Exhibit 28.
<a href="#">9:11:37 AM</a>		Rose provides further testimony regarding driving conditions in respect to Exhibit 28.
<a href="#">9:12:10 AM</a>		Kaylor objects; leading.
<a href="#">9:12:22 AM</a>		Hearing Examiner responds; sustained.
<a href="#">9:12:47 AM</a>		Rose further clarifies inherent risks associated with driving conditions within city limits.
<a href="#">9:14:09 AM</a>		Hearing Examiner clarifies evidentiary rules during hearing.
<a href="#">9:14:41 AM</a>		Rose uses a toy truck for demonstrative testimony.
<a href="#">9:16:26 AM</a>		Rose responds to Newman's enquiry regarding risks posed by blindside driving.
<a href="#">9:18:02 AM</a>		Newman refers Rose to graphics found in Exhibit 28.
<a href="#">9:18:53 AM</a>		Rose responds to Newman's enquiries regarding blindside risks associated with the Escala loading docks.
<a href="#">9:21:24 AM</a>		Rose responds to Newman's enquiries regarding challenges caused by multiple truck access to the Escala loading docks.
<a href="#">9:22:15 AM</a>		Rose responds to Newman's enquiries regarding the impacts on driver behavior.
<a href="#">9:23:39 AM</a>		Rose clarifies the usage of "You."
<a href="#">9:24:17 AM</a>		Kaylor requests clarification regarding exhibit.
<a href="#">9:24:54 AM</a>		Newman refers Rose to Exhibit 19.
<a href="#">9:26:24 AM</a>		Rose responds to Newman's enquiry regarding the proposed conditions found in Exhibit 19.
<a href="#">9:29:12 AM</a>		Rose responds to Newman's enquiry regarding the anticipated tempo of truck traffic.
<a href="#">9:31:44 AM</a>		Newman refers Rose to page 49 of Exhibit 22.
<a href="#">9:35:07 AM</a>		Kaylor objects; leading.
<a href="#">9:35:16 AM</a>		Newman redirects line of questioning regarding challenges posed by lift gates and ramps usage whilst in the loading bay.

<a href="#">9:36:07 AM</a>	Newman refers Rose to page 2 of Exhibit 28.
<a href="#">9:36:35 AM</a>	Rose responds to Newman's enquiry regarding dimensions of a truck once the lift gate or ramp is deployed.
<a href="#">9:37:26 AM</a>	Rose responds to Newman's enquiry regarding 30 inch lift gates, and refers Newman to page 49 of Exhibit 22.
<a href="#">9:41:56 AM</a>	Rose provides testimony regarding a vendor/trucking company's inventory.
<a href="#">9:42:53 AM</a>	Kaylor objects; mischaracterization of testimony.
<a href="#">9:43:24 AM</a>	Rose provides testimony regarding spatial requirements.
<a href="#">9:45:25 AM</a>	Kaylor objects; leading.
<a href="#">9:46:39 AM</a>	Newman refers Rose to Exhibit 28.
<a href="#">9:47:13 AM</a>	Rose responds to Newman's enquiry regarding Exhibit 28.
<a href="#">9:48:29 AM</a>	Kaylor objects; speculation.
<a href="#">9:48:47 AM</a>	Kaylor clarifies objections; hypothetical.
<a href="#">9:49:13 AM</a>	Hearing Examiner responds; overruled.
<a href="#">9:50:46 AM</a>	Rose provides testimony regarding driver behaviour under proposed conditions.
<a href="#">9:51:23 AM</a>	Newman refers Newman to Exhibit 19.
<a href="#">9:51:34 AM</a>	Rose responds to Newman's enquiry regarding Exhibit 19.
<a href="#">9:52:20 AM</a>	Rose responds to Newman's enquiry regarding compliance with parking time limits.
<a href="#">9:55:27 AM</a>	Rose responds to Newman's enquiry regarding the maneuverability of a conventional truck under proposed conditions.
<a href="#">9:56:51 AM</a>	Newman refers Rose to page 49 of Exhibit 22.
<a href="#">9:58:02 AM</a>	Rose responds to Newman's enquiry regarding the variety of trucks that may service 1903 5th Ave.
<a href="#">10:00:37 AM</a>	Rose responds to Newman's enquiry regarding loading dock, spatial sufficiency at full capacity.
<a href="#">10:02:01 AM</a>	Rose clarifies how weight to axel ratio determines CDL requirements.
<a href="#">10:03:03 AM</a>	Rose clarifies the difference between CDL and non-CDL drivers.
<a href="#">10:04:00 AM</a>	Newman concludes direct examination of Rose.
<a href="#">10:04:23 AM</a>	Kaylor begins cross examination of Rose.
<a href="#">10:04:46 AM</a>	Kaylor enquires about the length and chronolgy of Rose's career.
<a href="#">10:05:54 AM</a>	Rose clarifies that he's had his CDL since the age of 24.
<a href="#">10:06:47 AM</a>	Rose clarifies that he's driven in Downtown Seattle.
<a href="#">10:07:08 AM</a>	Rose clarifies that he's driven/delivered to buildings with alley way loading docks.
<a href="#">10:07:29 AM</a>	Rose clarifies the types of trucks that he's driven on Downtown delivery routes.
<a href="#">10:11:05 AM</a>	Rose clarifies his delivery experience under conditions, similar to proposed conditions.
<a href="#">10:14:06 AM</a>	Rose responds to Kaylor's enquiry regarding experience with deliveries routed to hotels.
<a href="#">10:14:56 AM</a>	Rose responds to Kaylor's enquiries regarding CDL training requirements.

<a href="#">10:16:39 AM</a>	Rose responds to Kaylor's enquiries regarding instructional experience.
<a href="#">10:18:52 AM</a>	Rose responds to Kaylor's enquiries regarding training curriculum.
<a href="#">10:20:57 AM</a>	Rose responds to Kaylor's enquiry regarding back-up camera commonality.
<a href="#">10:22:20 AM</a>	Rose responds to Kaylor's enquiry regarding the frequency of blindslide reversal maneuvers.
<a href="#">10:23:14 AM</a>	Rose responds to Kaylor's enquiries regarding his testimony pertaining to driving conditions in Downtown Seattle.
<a href="#">10:24:54 AM</a>	Rose responds to Kaylor's enquiry regarding shipment orders.
<a href="#">10:25:41 AM</a>	Kaylor refers Rose to Exhibit 28.
<a href="#">10:27:07 AM</a>	Rose responds to Kaylor's enquiry regarding the possibility of fitting in a 20-22 foot box truck in the loading bay under proposed conditions.
<a href="#">10:28:18 AM</a>	Newman objects; vague.
<a href="#">10:28:29 AM</a>	Hearing Examiner responds; overruled.
<a href="#">10:29:04 AM</a>	Rose responds to Kaylor's enquiry regarding the possibility of fitting in a 20-22 foot box truck in the loading bay under proposed conditions.
<a href="#">10:29:07 AM</a>	Newman objects; asked and answered.
<a href="#">10:29:17 AM</a>	Hearing Examiner responds; overruled.
<a href="#">10:29:21 AM</a>	Rose responds to Kaylor's enquiry in the affirmative.
<a href="#">10:29:35 AM</a>	Kaylor refers Rose to page 49 of Exhibit 22.
<a href="#">10:30:49 AM</a>	Rose responds to Kaylor's enquiry regarding truck dimensions.
<a href="#">10:31:17 AM</a>	Hearing Examiner enquires about anticipated remaining length of cross examination.
<a href="#">10:31:48 AM</a>	Newman responds to Hearing Examiner's enquiry regarding remaining witnesses and duration of examination.
<a href="#">10:33:38 AM</a>	Break for recess. Off the record. Returning at 10:45 a.m.
<a href="#">10:45:52 AM</a>	Return on cross. On the record.
<a href="#">10:46:40 AM</a>	Rose responds to Newman's enquiry regarding box truck sizing.
<a href="#">10:47:12 AM</a>	Rose responds to Newman's enquiry regarding cargo vans.
<a href="#">10:47:30 AM</a>	Rose responds to Newman's enquiry regarding service vans.
<a href="#">10:48:29 AM</a>	Rose responds to Newman's enquiry regarding driver behaviour.
<a href="#">10:49:11 AM</a>	Rose responds to Newman's enquiry regarding experience with working with dock masters.
<a href="#">10:51:40 AM</a>	Rose responds to Newman's enquiry regarding Rose's prior testimony regarding lift gate dimensions.
<a href="#">10:52:35 AM</a>	Rose responds to Newman's enquiry regarding the frequency at which a lift gate or ramp is required.
<a href="#">10:54:28 AM</a>	Rose responds to Newman's enquiry regarding delivery scheduling.
<a href="#">10:56:11 AM</a>	Kaylor conclude cross-examination ; City***
<a href="#">10:56:24 AM</a>	Newman commences redirect examination of Rose.
<a href="#">10:57:10 AM</a>	Rose responds to Newman's enquiries regarding conventional truck dimensions.

<a href="#">11:02:28 AM</a>	Rose responds to Newman's enquiries regarding the cab-over dimensions.
<a href="#">11:03:57 AM</a>	Rose responds to Newman's enquiry regarding the frequency of lift gate or ramp usage.
<a href="#">11:04:48 AM</a>	Rose responds to Newman's enquiry regarding the influence of cross examination on Rose's opinion of risk.
<a href="#">11:06:24 AM</a>	Rose responds to Newman's enquiry regarding industry preferred dimensions.
<a href="#">11:07:23 AM</a>	Rose clarifies his skepticism regarding maneuver feasibility under proposed conditions.
<a href="#">11:08:24 AM</a>	Newman concludes redirect examination of Rose.
<a href="#">11:08:42 AM</a>	Newman calls Sosnowy as witness.
<a href="#">11:09:25 AM</a>	Sosnowy describes the land use of Escala.
<a href="#">11:10:04 AM</a>	Sosnowy clarifies the establishment of Escala.
<a href="#">11:10:31 AM</a>	Sosnowy responds to Newman's enquiry regarding width of the loading berth.
<a href="#">11:11:00 AM</a>	Sosnowy responds to Newman's enquiry regarding delivery dock staffing.
<a href="#">11:12:30 AM</a>	Sosnowy responds to Newman's enquiry regarding interactions with Erickson.
<a href="#">11:12:59 AM</a>	Sosnowy clarifies response to proposed dock management plan.
<a href="#">11:16:24 AM</a>	Sosnowy clarifies Escala dock management test design - hiring of Dauntless Security.
<a href="#">11:28:53 AM</a>	Hearing Examiner requests clarification regarding testimony.
<a href="#">11:30:28 AM</a>	Newman clarifies line of questioning.
<a href="#">11:32:15 AM</a>	Sosnowy responds to Newman's enquiry regarding the results of the Escala dock management test.
<a href="#">11:33:28 AM</a>	Sosnowy responds to Newman's enquiry regarding Exhibit 19 in respect to the Escala dock management test results.
<a href="#">11:36:38 AM</a>	Sosnowy responds to Newman's enquiry regarding his observations of the alley ways in the Downtown core.
<a href="#">11:38:20 AM</a>	Newman offers AE 34 35 36, exhibits are marked as E29, 30, and 31.****
<a href="#">11:41:43 AM</a>	Sosnowy describes Exhibits 29, 30, and 31.
<a href="#">11:42:52 AM</a>	Newman offers AE 38, it is marked as Exhibit 32.****
<a href="#">11:43:43 AM</a>	Newman offers AE 39 it is marked as E 33****
<a href="#">11:44:29 AM</a>	Newman moves to admit E29-33 to the record.****
<a href="#">11:44:36 AM</a>	E29-33 are admitted to the Record. ****
<a href="#">11:45:03 AM</a>	Newman offers AE 45, it is marked as E34****
<a href="#">11:45:49 AM</a>	Newman offers AE 46 E36****
<a href="#">11:46:24 AM</a>	Newman AE 47 E36***
<a href="#">11:47:30 AM</a>	Sosnowy responds to Newman's enquiry regarding Exhibit 36.***
<a href="#">11:48:28 AM</a>	Newman moves to admit E34-36, Exhibits are admitted to the record. *****
<a href="#">11:49:23 AM</a>	Newman responds to Kaylor's request for clarification of purpose of E-29-36.*****
<a href="#">11:50:05 AM</a>	Newman AE 52 it is marked as E37*****

<a href="#">11:50:36 AM</a>	Newman AE 53 E38*****
<a href="#">11:51:05 AM</a>	Newman AE 54 E39*****
<a href="#">11:51:26 AM</a>	Sosnowy responds to Newman's enquiry regarding E37-39*****
<a href="#">11:52:47 AM</a>	AE9 E40*****
<a href="#">11:53:22 AM</a>	Newman moves to admit 37-39; Exhibits admitted *****
<a href="#">11:54:08 AM</a>	AE10 E41*****
<a href="#">11:54:13 AM</a>	AE11 E42****
<a href="#">11:54:57 AM</a>	Newman moves to admit E40-42, E admitted to the record.
<a href="#">11:56:41 AM</a>	AE76 & AE77, marked as E43
<a href="#">11:57:43 AM</a>	Newman moves to admit E43 to the record.
<a href="#">11:57:53 AM</a>	Kaylor objects to weight; relevance.
<a href="#">11:58:09 AM</a>	E43 is admitted to the record.
<a href="#">11:59:17 AM</a>	AE 55, E44
<a href="#">12:00:24 PM</a>	AE 56, E45
<a href="#">12:00:51 PM</a>	AE 57, E46
<a href="#">12:01:28 PM</a>	AE58, E47
<a href="#">12:02:04 PM</a>	Newman moves to admite E44-47, Exhibits are admitted to the record.
<a href="#">12:02:19 PM</a>	Breaking for Lunhc. Off the record. Returnngg at 2:00 pm.m
<a href="#">12:02:41 PM</a>	Hearing Examiner opens after Lunch intermission
<a href="#">2:01:16 PM</a>	Witness Mr. Rose gives testimony/questioning (?) to Newman
<a href="#">2:01:55 PM</a>	Kaylor Objects question
<a href="#">2:02:19 PM</a>	Newman responds to objection
<a href="#">2:02:53 PM</a>	Hearing Examiner sustains objection
<a href="#">2:03:09 PM</a>	witness Mr. Rose continues testimony
<a href="#">2:04:54 PM</a>	Kaylor cross examines Mr. Rose
<a href="#">2:05:24 PM</a>	Mr. Rose responds
<a href="#">2:05:54 PM</a>	Kaylor asks Rose a qus
<a href="#">2:06:27 PM</a>	HE confirms ending of cross examination
<a href="#">2:06:42 PM</a>	Megan Krus is sworn in as a witness
<a href="#">2:07:17 PM</a>	Newman cross examines Krus
<a href="#">2:07:33 PM</a>	Krus responds
<a href="#">2:08:09 PM</a>	Appellant requests to add AE 41, 42, 43/ E48 49, 50, A43 and E50 to the record
<a href="#">2:12:34 PM</a>	Newman explains what these exhibits are
<a href="#">2:13:09 PM</a>	Newman AE 44, E 51
<a href="#">2:13:58 PM</a>	Newman cross examines Krus
<a href="#">2:14:05 PM</a>	Krus responds
<a href="#">2:14:10 PM</a>	HE asks if there's objection
<a href="#">2:14:21 PM</a>	Kaylor objects under condition
<a href="#">2:14:59 PM</a>	Newman responds
<a href="#">2:16:17 PM</a>	Kaylor elaborates on condition objected

<a href="#">2:16:48 PM</a>	HE asks clarification of purpose for E48-51
<a href="#">2:17:32 PM</a>	Newman responds
<a href="#">2:18:57 PM</a>	Newman continues cross examine Krus
<a href="#">2:19:24 PM</a>	Krus responds
<a href="#">2:22:50 PM</a>	Newman clarifies the witnesses involvement in exhibits
<a href="#">2:23:29 PM</a>	HE asks Kaylor clarification on objection to E48
<a href="#">2:23:39 PM</a>	Kaylor responds
<a href="#">2:24:00 PM</a>	E48 is admitted to the record
<a href="#">2:24:21 PM</a>	Newman continues to cross examine Krus
<a href="#">2:24:25 PM</a>	Krus responds
<a href="#">2:24:49 PM</a>	Newman E49 is requested to be admitted
<a href="#">2:25:08 PM</a>	Kaylor does not object to E49 under condition of
<a href="#">2:26:17 PM</a>	Krus clarifies involvement in E49
<a href="#">2:27:48 PM</a>	Newman responds to objection
<a href="#">2:28:35 PM</a>	HE asks witness for clarification on E49 involvement
<a href="#">2:29:20 PM</a>	Kaylor does not object
<a href="#">2:29:39 PM</a>	E49 is admitted to the record
<a href="#">2:29:48 PM</a>	Newman motions to admit E50 to the record
<a href="#">2:30:14 PM</a>	Krus explains involvement in parts of E50
<a href="#">2:31:43 PM</a>	HE asks clarifying question of Krus
<a href="#">2:32:46 PM</a>	Kaylor does not object to E50 to being admitted
<a href="#">2:33:05 PM</a>	Newman requests that E51 to be removed, will be marked as denied
<a href="#">2:33:34 PM</a>	Newman AE 70&74/E52
<a href="#">2:34:41 PM</a>	Newman asks Krus to describe E52 and cross examines
<a href="#">2:35:04 PM</a>	Krus responds
<a href="#">2:41:14 PM</a>	HE asks if there's any objections
<a href="#">2:41:23 PM</a>	Kaylor requests clarification on E52
<a href="#">2:41:45 PM</a>	Krus responds
<a href="#">2:42:16 PM</a>	Kaylor does not object
<a href="#">2:42:23 PM</a>	E52 is admitted to the record
<a href="#">2:42:33 PM</a>	Newman continues to cross examine Krus
<a href="#">2:43:36 PM</a>	Newman motions for E53-E57 to be admitted to the record
<a href="#">2:48:11 PM</a>	Newman cross examines Krus on exhibits
<a href="#">2:49:46 PM</a>	Kaylor doesn't object
<a href="#">2:49:53 PM</a>	E53-57 is admitted to the record
<a href="#">2:50:10 PM</a>	Kaylor cross examines Krus on E48 and E49
<a href="#">3:04:36 PM</a>	HE asks Krus clarification on E49
<a href="#">3:06:11 PM</a>	Kaylor cross examines Krus on E52
<a href="#">3:11:36 PM</a>	No redirection or further questions requested from both parties
<a href="#">3:12:01 PM</a>	Tillman is still sworn in and takes the stand as witness
<a href="#">3:12:37 PM</a>	Newman motions for E58, E59, E60, E61, to be admitted
<a href="#">3:16:54 PM</a>	Newman cross examines Tillman on E58-E61



<a href="#">3:19:42 PM</a>	Tillman testifies regarding E59
<a href="#">3:24:09 PM</a>	Tillman testifies regarding E58
<a href="#">3:27:51 PM</a>	HE initiates a brief break
<a href="#">3:46:07 PM</a>	HE resumes hearing
<a href="#">3:46:07 PM</a>	Tillman continues testimony on E58
<a href="#">3:46:07 PM</a>	Tillman testifies on E60 (3:56)
<a href="#">3:58:06 PM</a>	Tillman testifies on E61 (4:01:44)
<a href="#">4:05:33 PM</a>	Newman asks clarifying question
<a href="#">4:06:26 PM</a>	E58-59 are admitted
<a href="#">4:07:21 PM</a>	Newman motions of E62 to be added to the record
<a href="#">4:08:05 PM</a>	Tillman continues testimony
<a href="#">4:11:57 PM</a>	Newman req. E62 to be added
<a href="#">4:12:05 PM</a>	E62 is admitted
<a href="#">4:13:40 PM</a>	Newman motions for E63 to be admitted to the record
<a href="#">4:14:12 PM</a>	Newman asks Tillman to clarify contents in E63
<a href="#">4:15:14 PM</a>	Newman motions to admit E64
<a href="#">4:16:12 PM</a>	Newman continues to cross examine Tillman on E64
<a href="#">4:26:23 PM</a>	Newman asks Tillman re. E63
<a href="#">4:29:32 PM</a>	E63 and E64 are admitted to the record
<a href="#">4:30:05 PM</a>	HE asks Newman RE. E8
<a href="#">4:30:45 PM</a>	E28 is admitted to the record
<a href="#">4:31:36 PM</a>	Newman will revisit adding E8 to the record
<a href="#">4:32:19 PM</a>	Newman motions to admit E65
<a href="#">4:32:37 PM</a>	Newman cross examines Tillman on E65
<a href="#">4:34:28 PM</a>	Kaylor objects to the admission to E65 and cross examines Tillman
<a href="#">4:35:05 PM</a>	Newman responds to Kaylor's objection
<a href="#">4:35:34 PM</a>	HE responds to Newman's response
<a href="#">4:35:57 PM</a>	Kaylor cross examines Tillman on E65
<a href="#">4:38:13 PM</a>	Newman objects-argumentative
<a href="#">4:38:25 PM</a>	HE sustains Newman's objection
<a href="#">4:38:34 PM</a>	Kaylor continues cross examination of Tillman
<a href="#">4:40:33 PM</a>	Newman clarifies that the whole exhibit, E65 will not be submitted
<a href="#">4:42:03 PM</a>	Newman motions to admit E65
<a href="#">4:42:14 PM</a>	E65 is admitted to the record
<a href="#">4:42:23 PM</a>	Newman continues cross examination of Tillman
<a href="#">4:50:33 PM</a>	Newman asks Tillman to clarify on E63
<a href="#">4:52:43 PM</a>	Newman motions to admit more exhibits to the record
<a href="#">4:55:19 PM</a>	Newman motions to admit E66-69
<a href="#">4:56:34 PM</a>	No objection fro Kaylore and the Dept.
<a href="#">4:56:53 PM</a>	Anderson asks clarifying question to Newman RE. E68 & E69
<a href="#">4:57:32 PM</a>	HE asks parties regarding schedules for next week