

Description	<p>Recording of MUP-19-031 (DD, DR, S, SU, W), Day 4 (1.31.2020)</p> <p>ESCALA OWNERS ASSOCIATION</p> <p>3018037-LU</p> <p>Friday, January 31, 2020</p> <p>Time: 8:30 a.m.</p> <p>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>
Date	<div>1/31/2020</div> <div>Location</div> <div>LargeHearingRoom</div>

Time	Speaker	Note
8:31:40 AM		Hearing Examiner Opens Hearing
8:32:40 AM		Newman motions to submit E89 to the record
8:33:48 AM		E89 is admitted to the record
8:34:31 AM		Anderson calls John Shaw to the witness stand
8:34:43 AM		Shaw remains under oath from the Tuesday Hearing
8:34:55 AM		Anderson begins cross examin of Shaw
8:40:02 AM		Anderson cross examin. Shaw on the Exhibit 25
8:43:07 AM		Anderson cross examin. Shaw about Exhibit 26 and Exhibit 28
8:45:33 AM		Anderson cross examin. Shaw about Exhibit 20, re involvement in MUP conditions
8:48:18 AM		Anderson cross examin. Shaw on MUP condition enforcement after approval of project
8:51:49 AM		Anderson cross examin. Shaw re. Tilgman's testimony
8:55:54 AM		Anderson concludes cross examination of Shaw
8:55:57 AM		Kaylor begins cross examin. of Shaw
8:56:45 AM		Kaylor cross examin. re Exhibit 20
8:58:15 AM		Kaylor concludes cross examin.
8:58:21 AM		Bricklin begins cross exam. of Shaw
9:06:23 AM		Anderson objects, mischaracterization
9:06:39 AM		HE sustains objection
9:06:46 AM		Bricklin rephrases question to Shaw
9:07:24 AM		Bricklin re Exhibit 28, Figure 1, in cross exam. of Shaw
9:13:07 AM		Bricklin cross exam. Shaw on Transportation Impact Analysis
9:13:22 AM		Anderson objects, outside the scope
9:13:31 AM		Bricklin rephrases question to Shaw
9:14:42 AM		Anderson objects, outside the scope
9:15:02 AM		Bricklin responds
9:15:34 AM		HE overrules objection
9:15:49 AM		Bricklin rephrases question to Shaw
9:17:38 AM		Bricklin cross examin. Shaw re deliveries
9:19:30 AM		Anderson objects, outside the scope
9:20:05 AM		Bricklin rephrases question to Shaw
9:20:21 AM		Anderson objects, mischaracterization
9:22:54 AM		Bricklin rephrases and cross examin. Shaw re Exhibit 21
9:24:58 AM		Bricklin concludes
9:25:05 AM		Anderson accepts redirection and cont. cross examin. of Shaw
9:26:16 AM		Anderson cross examin. Shaw re Exhibit 25, pg. 27, second paragraph
9:28:28 AM		Anderson concludes cross exam. of Shaw
9:29:13 AM		HE announces a 5 min. recess
9:35:39 AM		Hearing resumes
9:35:59 AM		Trevor Partap is sworn in as a witness
9:36:14 AM		Anderson begins cross exam. of Partap

9:36:49 AM	Anderson motions to submit Exhibit 90
9:38:41 AM	Exhibit 90 is admitted to the record
9:39:09 AM	Kaylor motions for Exhibit 91 to be admitted to the record
9:39:49 AM	Exhibit 91 is admitted to the record
9:39:57 AM	Anderson cross examin. Partap re Exhibit 91
9:40:38 AM	Anderson cross examin. Partap re Exhibit 28
9:42:47 AM	Anderson cross examin. Partap re Tilgman testimony
9:45:13 AM	Anderson cross examin. Partap re Exhibit 65
9:48:33 AM	Anderson cross examin. Partap re Exhibit 78, pg A001
9:53:12 AM	Anderson cross examin. Partap re Exhibit 28
9:54:04 AM	Anderson cross examin. Partap re E 65
9:56:16 AM	Anderson concludes cross exam. of Partap
9:56:41 AM	Kaylor cross examin. Partap Exhibit 65
9:57:11 AM	Kaylor concludes cross examin.
9:57:19 AM	Bricklin begins cross examin. of Partap
9:57:33 AM	Bricklin cross examin Partap re Exhibit 65
9:58:42 AM	Anderson objects, mischaracterization
9:58:49 AM	Bricklin rephrases question
9:59:44 AM	Anderson objects
10:00:13 AM	HE provides input and overrules objection
10:03:57 AM	Bricklin cross examin. Partap re Exhibit 26, "26ft Truck into Bay 1" graphic
10:06:31 AM	Kaylor objects
10:06:40 AM	Bricklin responds to objection and rephrases question to Partap
10:07:08 AM	Anderson objects
10:07:13 AM	HE overrules objection
10:07:20 AM	Partap responds to Bricklin's question and Bricklin cont cross examin.
10:12:39 AM	Bricklin cross examin. Partap re Exhibit 26, "26ft Truck into Bay 1" graphic
10:14:30 AM	Bricklin concludes cross ex
10:14:37 AM	Anderson accepts redirection and begins cross exam of Partap
10:14:51 AM	Anderson cross examin. Partap re Exhibit 48, pg. 13
10:17:15 AM	Anderson cross examin. Partap re Exhibit 63, pg. 2
10:19:58 AM	Anderson concludes cross examin.
10:20:06 AM	HE initiats a 15 min. recess
10:45:53 AM	Hearing Resumes
10:45:59 AM	Anderson calls Lindsay King to the witness stand
10:46:15 AM	King is sworn in to the record
10:46:23 AM	Anderson begins cross exam. of King
10:47:40 AM	Anderson motions for Exhibit 92 to be admitted
10:47:53 AM	Exhibit 92 has been admitted to the record
10:48:17 AM	Anderson cross examin. King re Exhibit 78 and Exhibit 79
10:54:44 AM	King references Exhibits 26, 28, 16, and 48, in testimony

11:05:38 AM	Anderson cross exam. King re. Appellant test. of deliveries
11:07:19 AM	Anderson concludes cross exam.
11:07:25 AM	Bricklin begins cross exam. of King
11:07:45 AM	Bricklin cross exam. King re. Exhibit 28, Figure 1, pg. 2
11:11:01 AM	Bricklin cross exam. King comparing Figure 1 & 2
11:14:27 AM	Kaylor objects, vague
11:14:37 AM	Bricklin responds
11:14:43 AM	Kaylor rephrases objection
11:14:57 AM	Bricklin rephrases question to King
11:20:53 AM	Anderson objects
11:21:01 AM	Bricklin responds to objection and rephrases question
11:30:18 AM	Bricklin concludes cross examin. of King
11:30:26 AM	HE asks questions of King re Figure1 and 2 to clarify representations in Exhibit 79
11:39:06 AM	Anderson accepts redirect and cross examin. King re Exhibit 79
11:41:35 AM	Anderson concludes cross examin. of King
11:42:51 AM	Newman motions for a rebuttal testimony of Sowsnowy
11:43:23 AM	HE sustains request for rebuttal
11:43:38 AM	Newman begins cross examin. of Sowsnowy re Exhibit 27
11:47:56 AM	Newman concludes cross examin.
11:48:05 AM	Kaylor begins cross examin. of Sowsnowy
11:50:40 AM	Kaylor concludes cross examin.
11:51:28 AM	HE begins closing questions
11:52:53 AM	Kaylor provides additional thoughts and concerns
11:55:35 AM	Newman provides additional thoughts, concerns, and response
11:58:59 AM	HE responds to comments
12:03:29 PM	Anderson asks clarifying questions to HE
12:05:29 PM	HE addresses Notice of Appeal and Order on Motion to Dismiss
12:29:05 PM	HE goes over items not relevant in Exhibit 5
12:30:18 PM	HE discusses all parties ability to compile a list of remaining issues.
12:35:52 PM	HE discusses timing for opening briefs for all parties
12:40:50 PM	HE schedules briefings
12:43:49 PM	HE reviews items to be voluntarily withdrawn from Notice of Appeal