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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:) Hearing Examiner File:
)
) **W-19-007**
DOUGLAS B. MACDONALD,)
) Department Reference 002180-19N
)
from a Determination of Non-Significance) Declaration of Patrick Downs
issued by the Director, Seattle Department)
of Transportation.)
_____)

1. I am an Assistant City Attorney and represent the City in this matter.
2. On Monday March 2, 2020 at 3:40, the City attempted to email its witness and exhibit list to Mr. MacDonald. The email address was in error.
3. After the email attempt was sent, the City’s legal assistant left her desk and our office to file copies with the Examiner and left for her home after filing the documents.
4. The legal assistant did not realize the email did not go through until she checked her email Tuesday morning.
5. I sent the list to Mr. MacDonald on Tuesday morning at 8:26.
6. The list includes three witnesses Mr. MacDonald previously told the City in an email that he would call.

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7. On December 23, 2019, Mr. MacDonald commented on the SEPA checklist that is on the City's exhibit and witness list.

8. At approximately 10:40 on Tuesday March 2, 2020, I had a conversation with Mr. MacDonald. In that conversation he told me that after the Examiner's ruling on the City's motion to exclude, he took three days off to prepare his taxes instead of preparing for the hearing.

9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 4th day of March 2020 at Seattle, Washington.

s/ Patrick Downs
PATRICK DOWNS

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of the **City’s Response to Motion**
3 **to Exclude the City’s Final Witness and Exhibit List** with the Seattle Hearing Examiner using
4 its e-filing system.

5 I also certify that on this date, a copy of the same document was sent by email to the
6 following party:

7 **Douglas B. MacDonald**
8 **dbmacdonal@earthlink.net**
9 *Appellant*

10 the foregoing being the last known address of the above-named party.

11 Dated this 4th day of March 2020, at Seattle, Washington.

12 *s/ Ianne T. Santos*
13 _____
14 Legal Assistant to Patrick Downs