

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of Appeal of

Hearing Examiner File

**MUP-20-012(W)**

**ESCALA OWNERS ASSOCIATION**

of a Decision by the Director of the  
Seattle Department of Construction and Inspections

Department Reference  
3019699-LU

**PREHEARING ORDER**

The Hearing Examiner conducted a prehearing conference on June 11, 2020. Mr. Bricklin appeared for Appellant Escala Owners Ass'n; Ms. Anderson appeared for the Seattle Department of Construction and Inspections ("SDCI"); and, Mr. McCullough and Ms. Kendall appeared for Applicant Jodi Patterson O-Hare. The parties agreed to this schedule:

**1. Pre-Hearing Motions/Examiner Jurisdiction.** The Applicant and SDCI indicated a motion to dismiss select issues is anticipated. All parties agree Examiner jurisdiction should be addressed through party stipulation and explanatory briefing. These deadlines govern:

- June 22: Motions/Jurisdictional Stipulation and Related Briefing<sup>1</sup>
- July 2: Responses
- July 7: Replies
- July 13: Examiner's Decision on Motion and Jurisdiction

**2. Appellant Witness and Exhibit Lists, July 31** The Appellant files and serves its witness and exhibit list.<sup>2</sup> To the extent the other parties do not have listed exhibits, they shall be provided.

**3. Respondent Witness and Exhibit Lists, August 7.** The Applicant and SDCI file and serve their witness and exhibit lists. To the extent the other parties do not have listed exhibits, they shall be provided.

**4. Rebuttal Witness/Exhibit Lists, August 14.** Appellant files and serves its rebuttal witness and exhibit list.

**5. Exhibit Filing, September 8.** The parties shall file an electronic copy of their exhibits with the Examiner's Office. Each exhibit and each page of each exhibit shall be marked. Appellant exhibits shall be marked as Appellant Exhibit 1, etc.; SDCI exhibits shall be City Exhibit 1, etc.; and, Applicant exhibits shall be marked as Applicant Exhibit 1, etc. At the hearing, a duplicate paper copy need not be provided.

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<sup>1</sup> If the parties wish to adjust deadlines on the jurisdictional matter, the parties may do so by agreement without further order from the Examiner, as long as the Examiner has all materials by the reply deadline.

<sup>2</sup> Witness lists must include the witness name, a summary of expected testimony, and the estimated time required for testimony. If a witness will testify as an expert, a statement of witness qualifications must be included. Excepting impeachment or rebuttal, only the parties' listed witnesses and exhibits may be offered. Unless otherwise noted, filing deadlines are 5:00 P.M.



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**6. Hearing, September 14, 15, and 16, 2020.** The hearing will begin at 9:00 a.m. in the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue (Seattle Municipal Tower, 40th Floor), Seattle, Washington. If September 16 is required, the hearing must likely conclude by 2:00 P.M. that day due to party availability.

If COVID-19 restrictions have not been lifted to allow an in-person hearing, the hearing will be held remotely. If held remotely, the Examiner's Office will forward sign-in instructions before the hearing, and schedule a test run with the parties in advance.

**7. Service.** The parties agreed to e-mail service on the designated party representatives.

Entered June 16, 2020.

/s/ Susan Drummond  
Susan Drummond  
Hearing Examiner Pro Tempore



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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 **ESCALA OWNERS ASSOCIATION**, Hearing Examiner Files: **MUP-20-012 (W)** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Appellant</b> John Sosnowy Escala Owners Association 206-409-4681 john@sosnowy.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
<b>Appellant Legal Counsel</b> David Bricklin Bricklin & Newman, LLP 206-264-8600 bricklin@bnd-law.com  Claudia Newman Bricklin & Newman, LLP 206-264-8600 newman@bnd-law.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
<b>Applicant</b> Jodi J. Patterson-O'Hare PCNW 425-681-4718 jodi@permitcnw.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
<b>Applicant Legal Counsel</b> Katie Kendall McCullough Hill Leary, PS 206-812-3388 kkendall@mhseattle.com  John C. McCullough McCullough Hill Leary, PS	<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



206-812-3388 jack@mhseattle.com  Ian S. Morrison McCullough Hill Leary, PS 206-812-3388 imorrison@mhseattle.com	
<b>Department</b> Shelley Bolser SDCI 206-733-9067 shelley.bolser@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
<b>Department Legal Counsel</b> Liza Anderson City Attorney's Office 206-684-8202 liza.anderson@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
<b>Mailing</b> Lauren Verbanik McCullough Hill Leary, PS 206-812-3389 lverbanik@mhseattle.com  Alicia Reise City Attorney's Office 206-684-8247 alicia.reise@seattle.gov  Peggy Cahill Bricklin & Newman, LLP 206-264-8600 cahill@bnd-law.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

Dated: June 16, 2020

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/s/ Galen Edlund-Cho  
Galen Edlund-Cho  
Legal Assistant