

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

**MAGNOLIA COMMUNITY COUNCIL
AND OTHERS; and, FRIENDS OF THE
LAST 6,000**

from a decision issued by the Director,
Seattle Department of Construction
and Inspections.

Hearing Examiner File:
**MUP-21-016 (CU) and
MUP-21-017 (ECA)**

Department Reference:
3028072-LU

PREHEARING ORDER

A prehearing conference was held on May 18, 2021. Attending the conference were: appellant Magnolia Community Council and Others, represented by Mr. Coulson; and, appellant Friends of the Last 6,000, represented by Ms. Boyle (jointly, “Appellants”). The applicant, Tom Brown, appeared through Ms. Kaylor (“Applicant”); and, the Seattle Department of Construction and Inspections (“Department”) appeared through Mr. Houston.

During the prehearing conference, the parties identified a schedule for witness and exhibit lists and exchange of exhibits, and a hearing schedule. The following matters were discussed and agreed:

1. Dispositive prehearing motions are due June 3, 2021; responses are due June 17, 2021; and, replies are due June 24, 2021.
2. On July 8, 2021, the Department shall file with the Office of Hearing Examiner an electronic copy and a hard copy of the Administrative Record, along with the Index of Record. The Administrative Record shall be narrowed to include only documents relevant to the appeal. The Index of Record shall be served on the parties, along with electronic copies of any documents the parties do not already have.
3. The Appellants shall file and serve their witness lists and exhibit lists on July 15, 2021. The Appellants shall file with the Office of Hearing Examiner and serve the other parties an electronic copy of each of the exhibits listed on their exhibit lists and file a hard copy of said exhibits with the Office of Hearing Examiner on July 15, 2021.
4. The Applicant shall file and serve its witness lists and exhibit lists on July 22, 2021. The Applicant shall file with the Office of Hearing Examiner and serve the other parties an electronic copy of each of the exhibits listed on their exhibit

lists and file a hard copy of said exhibits with the Office of Hearing Examiner on July 22, 2021.

5. The Appellants shall file and serve their rebuttal witness lists and rebuttal exhibit lists on July 29, 2021. The Appellants shall file with the Office of Hearing Examiner and serve the other parties an electronic copy of each of the exhibits listed on their exhibit lists and file a hard copy of said exhibits with the Office of Hearing Examiner on July 29, 2021.
6. Exhibit and witness lists are filed with the Office of Hearing Examiner using the e-file system. Copies of exhibits are filed with the Office of Hearing Examiner in hard copy form and electronic form. Hard copies of exhibits are filed with the Office of Hearing Examiner by mail and must be mailed on the date they are due. Electronic copies of exhibits must be filed with the Office of Hearing Examiner by email at: Hearing.Examiner@seattle.gov. Electronic copies of exhibits must be labeled numerically in the order identified in the exhibit list. Each exhibit should be submitted as an individual Word or .pdf document, and each document must be saved with a brief and accurate descriptive title (no more than 1-3 words) to identify the document for other users. Parties are not required to provide copies of an exhibit to another party if the other party is known to possess a copy of the exhibit.
7. Witness lists must include the names of witnesses, a summary of their expected testimony, and an estimate of time that will be dedicated to direct examination of the witness. If a witness will be testifying as an expert, a statement of qualifications must be included with the witness list. Except for purposes of impeachment, only those witnesses and exhibits listed by the parties may be offered at the hearing.
8. The parties will meet service requirements by electronic service.
9. Unless otherwise stated, deadlines are no later than 5:00 PM.
10. The hearing will be held on **Thursday, August 19, 2021**, beginning at **9:00 AM** via remote hearing platform Zoom. Although only two days are anticipated for hearing, August 23, August 25, and September 7 and 8, are also reserved for hearing.

Information about appeal hearings, including the *Hearing Examiner Rules of Practice and Procedure*, and a *Public Guide to Appeals and Hearings Before the Hearing Examiner*, is available on the Hearing Examiner's website, www.seattle.gov/examiner.

Entered May 19, 2021.

/s/Susan Drummond
Susan Drummond, Deputy Hearing Examiner

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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 **MAGNOLIA COMMUNITY COUNCIL AND OTHERS & FRIENDS OF THE LAST 6,000**, Hearing Examiner Files: **MUP-21-016 (CU) & MUP-21-017 (ECA)** in the manner indicated.

Party	Method of Service
Appellant (MUP-21-016) Edward R. Coulson Magnolia Community Council and Others 206-953-2579 coulee@schweetlaw.com Appellant (MUP-21-017) Diana Gardiner Friends of the Last 6,000 206-484-5496 diana.shurtlieff@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
Appellant Legal Counsel (MUP-21-017) Margaret M. Boyle Boyle Martin Thoeny, PLLC 206-217-9400 margaret@boylemartin.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
Applicant Tom Brown GHD 425-828-3081 tomb@ghdarch.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

<p>Applicant Legal Counsel John C. McCullough McCullough Hill Leary, PS 206-812-3388 jack@mhseattle.com</p> <p>Courtney Kaylor McCullough Hill Leary, PS 206-812-3388 courtney@mhseattle.com</p> <p>David P. Carpmann McCullough Hill Leary, PS 206-812-3388 dcarpmann@mhseattle.com</p>	<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
<p>Department Michael Houston SDCI 206-727-3885 michaelt.houston@seattle.gov</p>	<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
<p>Mailing Erika Ikstrums SDCI 206-684-3160 erika.ikstrums@seattle.gov</p> <p>Maddi Warnock McCullough Hill Leary, PS 206-812-3388 mwarnock@mhseattle.com</p>	<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: May 25, 2021

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