

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeals of

**BAJA CONCRETE USA CORP., ROBERTO  
CONTRERAS, NEWWAY FORMING INC.,  
and ANTONIO MACHADO**

Hearing Examiner Files:  
**LS-21-002, LS-21-003, & LS-21-004**

Department Reference:  
2020-00186-LS

from a Final Order of the Decision issued by  
the Director, Seattle Office of Labor Standards

**PREHEARING ORDER**

A prehearing conference was held for these consolidated matters on September 22, 2021. Attending the conference were: the appellants Baja Concrete USA Corp., represented by Alex Larkin and Mark D. Kimball; Newway Forming Inc., represented by Jason R. Wandler and Ryan M. Gilchrist; and Antonio Machado, represented by Sarah Kincaid (collectively herein “Appellants”); and, the City of Seattle (“Department”), represented by Jeremiah Miller and Derek De Vera.

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

1. All parties’ deadline for filing and serving Preliminary witness lists, and Preliminary exhibit lists: January 14, 2022.
2. Discovery cutoff for all parties: June 1, 2022.<sup>1</sup>
3. Any party may file a prehearing motion, which shall be filed with the Office of Hearing Examiner, and served on the other parties on July 1, 2022.
4. Responses to the prehearing motions, are due for filing and service on August 3, 2022.
5. Any reply in support of a prehearing motion shall be filed and served on August 17, 2022.
6. A second prehearing conference will be held on September 7, 2022, at 9:00 am.

---

<sup>1</sup> All discovery requests must be served in a timely manner to allow responses to be provided prior to this deadline.

7. All parties' deadline for filing and serving Final witness lists, Final exhibit lists, serving other parties an electronic copy of each of the exhibits listed on the exhibit list, and filing with the Office of Hearing Examiner an electronic copy and a hard copy of said exhibits: September 27, 2022.
8. Preliminary and Final 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](mailto: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.<sup>2</sup>
9. Preliminary and Final 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.
10. The parties will meet service requirements by electronic service.
11. Unless otherwise stated, deadlines are no later than 5:00 PM.
12. The hearing in this matter is scheduled to be held on **Monday, October 17, 2022**, beginning at **9:00 AM** via remote hearing platform Zoom. In addition to this initial hearing date, October 18, 19, 20, 24, 25, 26, 27, 28, and 31 have been reserved on the hearing calendar for continuation of the 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](http://www.seattle.gov/examiner).

Entered September 24, 2021.

/s/Ryan Vancil  
Ryan Vancil, Hearing Examiner

---

<sup>2</sup> Filing provisions may change if the hearing is held in person and not held remotely.



**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**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 matter of **BAJA CONCRETE USA CORP., ET AL.**, Hearing Examiner File: **LS-21-001, 003, & 004.** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Appellant Legal Counsel (LS-21-002)</b> Alex Larkin MDK Law 425-455-9610 alarkin@mdklaw.com  Mark D. Kimball MDK Law 425-455-9610 mkimball@mdklaw.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 (LS-21-003)</b> Newway Forming Inc c/o Kwynne Grant 604-299-3709 kgrant@nwforming.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 (LS-21-003)</b> Jason R. Wandler Oles Morrison Rinker & Baker, LLP 206-623-3427 wandler@oles.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 (LS-21-004)</b> Antonio Machado 760-613-6403 tony@newwayforming.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>Department</b> Daron Williams OLS	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail

<p>206-733-9969 daron.williams@seattle.gov</p> <p>Ashley Harrison OLS 206-386-1930 ashley.harrison@seattle.gov</p> <p>Steven Marchese OLS 206-684-5397 steven.marchese@seattle.gov</p> <p>Vanessa Haralson OLS 206-256-5297 vanessa.haralson@seattle.gov</p>	<p><input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger</p>
<p><b>Department Legal Counsel</b> Jeremiah Miller City Attorney's Office 206-256-5495 jeremiah.miller@seattle.gov</p> <p>Derrick De Vera City Attorney's Office derrick.devera@seattle.gov</p>	<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>
<p><b>Mailing</b> Debra Hernandez City Attorney's Office 206-684-5218 debra.hernandez@seattle.gov</p> <p>Sheala Anderson City Attorney's Office 206-615-1982 sheala.anderson@seattle.gov</p>	<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>

Dated: September 24, 2021

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