

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner Files:  
**W-21-007**

**TREEPAC ENVIRONMENTAL IMPACT  
REVIEW (TEIR) & GREENWOOD  
EXCEPTIONAL TREES (GET),**

**PREHEARING ORDER**

from a Determination of Non-Significance  
issued by the Director, Office of Planning and  
Community Development

A prehearing conference was held on December 21, 2021. Parties appearing were Appellants TreePAC Environmental Impact Review and Greenwood Exceptional Trees, through Richard Ellison, and the Seattle Department of Construction and Inspections (“Department”) through Daniel B. Mitchell of the Seattle City Attorneys Office. These deadlines were established:

- 1. Deadlines for Substantive Pre-Hearing Motions (Summary Judgment/Motion to Dismiss).**
  - January 14, 2022: Motions
  - January 28, 2022: Response
  - February 4, 2022: Reply
  - February 11, 2022: Examiner’s Decision
- 2. Department Core Exhibits.** The Department shall file and serve its exhibit list identifying core documents by January 7, 2022. This is not the entire record relied on in reaching the decision, but only relevant documents. The listed exhibits shall be served on the parties by this deadline. The Department shall file with the Office of Hearing Examiner an electronic and hard copy of the exhibits by February 17, 2022.
- 3. Witness and Exhibit Lists (Appellant Only for Exhibit List Deadline).** File and serve witness and exhibit lists by January 20, 2022. Serve electronic copies of exhibits on the other parties. File with the Office of Hearing Examiner an electronic copy and a hard copy of the exhibits by February 17, 2022.
- 4. Rebuttal Witness and Exhibit Lists.** File and serve rebuttal witness and exhibit lists by February 3, 2022. Serve electronic copies of exhibits on the other parties. File with the Office of Hearing Examiner an electronic copy and a hard copy of the exhibits by February 17, 2022.

5. **2<sup>nd</sup> Rebuttal Witness and Exhibit Lists.** File and serve 2<sup>nd</sup> rebuttal witness and exhibit lists by February 10, 2022. Serve electronic copies of exhibits on the other parties. File with the Office of Hearing Examiner an electronic copy and a hard copy of the exhibits by February 17, 2022.
6. **Office Filings.** 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 due date. 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 must be saved with a brief and accurate descriptive title (no more than 1-3 words). Parties need not provide copies of an exhibit to another party if the other party possesses a copy.
7. **Witness Lists and Exhibits, Requirements.** Witness lists must include witness names, a summary of expected testimony, and a time estimate for direct examination. For expert witnesses, a statement of qualifications must be included. Excepting impeachment, only listed witnesses and exhibits may be offered at the hearing. The parties must organize and focus witness testimony to ensure an efficient presentation.
8. **Service.** The parties may serve each other by e-mail.
9. **Deadlines.** Unless otherwise stated, deadlines are 5:00 PM.
10. **Discovery Deadline.** The discovery cut-off is February 9, 2022. Discovery must be served and/or scheduled so responses can meet this deadline.
11. **Settlement.** The Office supports party settlement efforts. Should the appeal be resolved, the Appellant's written communication to the Office of Hearing Examiner withdrawing the appeal is sufficient for the Examiner to issue an order of dismissal.
12. **Hearing.** The hearing is scheduled to be remotely conducted<sup>1</sup> on **February 28, 2022**, beginning at **9:00 AM** from the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40<sup>th</sup> Floor) Seattle, Washington. Sign-in instructions will be provided to the parties. Two additional hearing days of **March 1 and March 2, 2022**, also beginning at 9:00 AM, are reserved.

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).

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<sup>1</sup> Due to COVID-19 hearings are presently remotely conducted via Zoom.

Entered December 21, 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 **TREEPAC ENVIRONMENTAL IMPACT REVIEW**, Hearing Examiner Files: **W-21-007** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Appellant</b> TreePAC Environmental Impact Review 206-661-4195 treesandpeople@pacificwest.com  Richard Ellison 206-661-4195 climbwall@msn.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> Geoffrey Wentlandt OPCD 206-684-3586 geoffrey.wentlandt@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> Daniel Mitchell City Attorney's Office 206-684-8232 daniel.mitchell@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> Laurie Menzel City Attorney's Office 206-684-0290 laurie.menzel@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
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Dated: December 21, 2021

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