

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:)	Hearing Examiner File:
)	
BAJA CONCRETE USA CORP.,)	No: LS-21-002
ROBERTO CONTRERAS, NEWWAY)	LS-21-003
FORMING INC., and ANTONIO)	LS-21-004
MACHADO)	
From a Final Order of the Decision issued by)	APPELLANT ANTONIO MACHADO'S
the Director, Seattle Office of Labor Standards)	PRELIMINARY WITNESS AND EXHIBIT
)	LIST

Appellant Antonio Machado submits this Preliminary Witness and Exhibit List pursuant to the Hearing Examiner's September 24, 2021, Prehearing Order. Appellant Machado hereby incorporates by reference all witnesses and exhibits submitted by other Appellants in this matter, as well as those submitted by the City of Seattle.

I. WITNESSES

Name of Witness:	Antonio Machado
Summary of Expected Testimony:	Testify to facts pertinent to the Office of Labor Standards' contentions that he is a joint employer of the workers at issue.
Time Estimate:	Two hours
Name of Witness:	Tom Grant
Summary of Expected Testimony:	Testify to facts pertinent to the Office of Labor Standards' contentions that Mr. Machado is a joint employer of the workers at issue.
Time Estimate:	One hour

1	Name of Witness:	Claudia Penunuri
2	Summary of Expected Testimony:	Testify regarding Baja Concrete USA Corp.'s employment and involvement with workers at the Seattle worksites.
3		
4	Time Estimate:	One hour
5	Name of Witness:	Mercedes De Armas
6	Summary of Expected Testimony:	Testify regarding Baja Concrete USA Corp.'s employment and involvement with workers at the Seattle worksites.
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8	Time Estimate:	One hour
9	Name of Witness:	Roberto Soto Contreras
10	Summary of Expected Testimony:	Testify regarding his own and Baja Concrete USA Corp.'s employment and involvement with workers at the Seattle worksites.
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12	Time Estimate:	One hour
13	Name of Witness:	Nine unidentified lay witnesses of Newway Forming, Inc and/or Baja Concrete, USA Ltd. (as the City of Seattle has redacted their names from discovery, we have not yet been able to obtain the names of these individuals)
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15		
16	Summary of Expected Testimony:	Discuss their personal knowledge relating to Antonio Machado.
17		
18	Time Estimate:	One hour per witness
19	Name of Witness:	Ashley Harrison
20	Summary of Expected Testimony:	Testify as to the interviews with workers and investigations of Appellants.
21		
22	Time Estimate:	One hour
23	Name of Witness:	Daron Williams
24	Summary of Expected Testimony:	Testify as to the interviews with workers and investigations of Appellants.
25		
26	Time Estimate:	One hour

II. EXHIBITS

Exhibit	Document Description	Bates Number
1	Machado Pay Stubs, 10/1/21 and 10/8/21	MACHADO 000001
2	190321 Site Safety Stand Down Signature Page	SEATTLE-OLS-PDR-0429
3	200110 Email re Possible Construction Case	SEATTLE-OLS-0246-0247 (Bates omitted on original)
4	201207 Email re FW: BCUSAC Interview	SEATTLE-OLS-0250-0256
5	190916 Email re Baja Employees and L and I	APPBAJA 0136
6	200501 Email re Fw: Release	APPBAJA 0137
7	200501 Emails re Fw: Release w/ Attachment	APPBAJA 0138-0140
8	200513 Email re Name of two worked	APPBAJA 0141
9	200520 Email re Name I worked	APPBAJA 0142
10	200729 Email re Name of new worker	APPBAJA 0143
11	200819 Email re Name of new cement finisher	APPBAJA 0144
12	210103 Email re return to work / Gustavo Alexander	APPBAJA 0145-0146
13	201122 Email re New cement finishers	APPBAJA 0147
14	200501 Email re Release w/ Attachment	APPBAJA 0148-0150
15	190918 Email re Employees for Baja	APPBAJA 0151
16	190528 Email re 1120 Denny Way Safety Performance Monthly Report	APPBAJA 0152-0153
17	Picture of Baja Concrete USA Business Card	SEATTLE-OLS-0958
18	Picture of 181021 Letter re Ruben Gonzalez	SEATTLE-OLS-0989
19	200508 Baja Concrete Invoice	APPBAJA 0002
20	Baja Deductions and Contributions, 1/1/17-6/30/20	APPBAJA 0003
21	Baja Employee Details	APPBAJA 0004-0007
22	191202 Invoice	SEATTLE-OLS-1070
23	Timesheets 2/10/19-2/23/19	SEATTLE-OLS-1068-01069
24	Payroll Summary, 6/13/20-6/30/20	APPBAJA 0131
25	Paystubs, 6/13/20-6/30/20	APPBAJA 00008-0030
26	Payroll Summary, 8/1/20-8/31/20	APPBAJA 0134
27	Paystubs, 8/1/20-8/31/20	APPBAJA 0090-0130
28	Payroll Summary, 7/1/20-7/31/20	APPBAJA 0132
29	Paystubs, 7/1/20-7/31/20	APPBAJA 0031-0071
30	Paystubs, 7/31/20	APPBAJA 0072-0089
31	Paystubs, Alejandro Fiol	APPBAJA 0401-0413
32	Paystubs, Angel Gomez Chavez	APPBAJA 0414-0430
33	Paystubs, Antonio Yevenes	APPBAJA 0432-439
34	Paystubs, Bulfrano Brito	APPBAJA 0440-0452
35	190808 Check to Machado	APPBAJA 001237
36	Paystubs, Claudia Penunuri	APPBAJA 0453-0507
37	Paystubs, Claudio Gamboa	APPBAJA 0508-0545
38	Paystubs, Cristhian Pelaez Ruiz	APPBAJA 0546-0558
39	Paystubs, Cristian Navejas	APPBAJA 0559-0593
40	Paystubs, David Giron	APPBAJA 0594-0597

APPELLANT MACHADO'S PRELIMINARY WITNESS
AND EXHIBIT LIST

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1	41	Paystubs, David San Roman Mendo	APPBAJA 0598-0603
	42	Paystubs, Diego Rojas Villaseva	APPBAJA 0604-0605
2	43	Paystubs, Edison Chimborazo Macas	APPBAJA 0606-0638
	44	Paystubs, Emeterio Collins Lopez	APPBAJA 0639-0646
3	45	Paystubs, Evelio Alvarez Ruiz	APPBAJA 0647-0662
	46	Paystubs, Gabriel Rios Ortiz	APPBAJA 0663-0670
4	47	Paystubs, Gerardo Guzman Barragan	APPBAJA 0671-0684
	48	Paystubs, Gerardo Valencia	APPBAJA 0685-0728
5	49	Paystubs, Hector Cispedes Rivera	APPBAJA 0729-0763
	50	Paystubs, Israel Avila Gasca	APPBAJA 0764-0784
6	51	Paystubs, Ivan Ponce	APPBAJA 0785-0811
	52	Paystubs, Javier Alfaro Perez	APPBAJA 0812-0820
7	53	Paystubs, Jesus Ramon Castro Mendoza	APPBAJA 0821-0829
	54	Paystubs, John Hinestroz Diaz	APPBAJA 0830-0836
8	55	Paystubs Jose Acosta Caballero	APPBAJA 0837-0857
	56	Paystubs, Jose Alvarez Rodriguez	APPBAJA 0858-0865
9	57	Paystubs, Jose Estrada Parra	APPBAJA 0866-0900
	58	Paystubs, Jose Vega Hernandez	APPBAJA 0901-0921
10	59	Paystubs, Josue Osuna Tallabas	APPBAJA 0922-0931
	60	Paystubs, Julio Cabellero Pacheco	APPBAJA 0932-0940
11	61	Paystubs, Lucas Ayala	APPBAJA 0941-0950
	62	Paystubs, Luis Andres Arriagada Aguilera	APPBAJA 0951-0968
12	63	Paystubs, Luis Fernandez Rosas	APPBAJA 0969-0974
	64	Paystubs, Luis Garcia	APPBAJA 0975-0980
13	65	Paystubs, Manuel Camus Valdes	APPBAJA 0981-01022
	66	Paystubs, Marco Villasenor Harbol	APPBAJA 01023-0140
14	67	Paystubs, Martin Ayala Ochoa	APPBAJA 01041-01048
	68	Paystubs, Matias Catalan Toro	APPBAJA 01049-01064
15	69	Paystubs, Miguel Alfaro Pinto	APPBAJA 01065-01073
	70	Paystubs, Noe Rios Estrada	APPBAJA 01074-01088
16	71	Paystubs, Patricio Fernandez Borquez	APPBAJA 01089-1125
	72	Paystubs, Ramon Duenas Gomez	APPBAJA 1126-1141
17	73	Paystubs, Raul Benjamin Hiraes Cuevas	APPBAJA 1142-1160
	74	Paystubs, Roberto Hiralez Colin	APPBAJA 1161-1202
18	75	Paystubs, Roberto Lopez Hernandez	APPBAJA 1203-1209
	76	Paystubs, Ruben Gonzalez	APPBAJA 1210-1236
19	77	OLS Initial Request for Information, Completed	APPBAJA 0154-0162
	78	2018 Timesheets and Related Invoices	APPBAJA 0185-0247
20	79	2019 Timesheets and Related Invoices	APPBAJA 0248-0359
	80	2020 Timesheets and Related Invoices	APPBAJA 0360-0385
21	81	Additional 2020 Timesheets and Related Invoices	APPBAJA 0389-0400
	82	Excel re PPP Loans	SEATTLE-OLS-PDR-2336

Signed this 18th day of January 2022.

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DECLARATION OF SERVICE

I caused a copy of the foregoing Appellant Antonio Machado's Preliminary Witness and Exhibit List to be served to the following in the manner indicated:

Via Email to:

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On today's date.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct to the best of my belief.

Signed and DATED this 18th day of January 2022 in Seattle, Washington.

s/ Alex Paget
Alex Paget, Paralegal