

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of)
) Hearing Examiner File:
TreePac Environmental Impact Review)
(TEIR) and Greenwood Exceptional) **W-21-007**
Trees (GET) of the November 15, 2021)
Determination of Non-Significance by Brennon) OPCD's RESPONSE TO APPELLANTS'
Staley, Office of Planning and Community) REVISED REQUEST FOR SUBPOENAS
Development.) AND MOTION TO QUASH SUBPOENA
OF JACQUELINE FAITH RAMOS

I. OPCD OBJECTS TO THE SUBPOENA OF JACQUELINE FAITH RAMOS

The Office of Planning and Community Development ("OPCD") requests that the Hearing Examiner deny the request to subpoena Jacqueline Faith Ramos.¹ To be clear, Ms. Ramos did not have any involvement in the environmental review of the Townhouse Reform Legislation ("Proposal") at issue in this appeal. Accordingly, the Appellant has not met its burden to show the relevance of Ms. Ramos's testimony as required in Hearing Examiner Rule 3.12(b). Ms. Ramos's former role at SDCI, and the work she did in that role in 2017, is not relevant to this SEPA appeal.²

¹ To the extent that a subpoena was already issued for Jacqueline Faith Ramos, this pleading also serves as a Motion to Quash.

² CR 26(b)(1) requires that discovery be "relevant to the subject matter involved in the pending action."

1 Even if Ms. Ramos did have a role in assessing tree loss as alleged by the Appellants, which OPCD
2 neither confirms nor denies, her role in the assessment of tree loss back in 2017 has nothing to do
3 with the environmental review of the potential impacts of the legislative amendments proposed in this
4 Proposal as weighed against the environmental impacts of the current 2022 regulations (the status
5 quo).

6 Yesterday, the Appellants filed its Appellants' Revised Request for Subpoenas of City of
7 Seattle Staff ("Subpoena Request") that for the first time sought the subpoena of Jacqueline Faith
8 Ramos.

9 The Appellants' Motion Request for Subpoenas filed on January 14, 2022 did not seek a
10 subpoena for Jaqueline Faith Ramos. Instead, the only person directly named in that request was the
11 OPCD Director. That request was already denied. The request also made a reference seeking to
12 subpoena persons that would later be identified in OPCD's response to Interrogatory No.1.³

13 To accommodate the Appellants, OPCD responded well in advance of OPCD's discovery
14 deadline to notify Appellants that, in addition to Brennon Staley, Geoffrey Wentlandt, and David Van
15 Skike (all planned as city witnesses), Nicholas Welch, Jennifer Pettyjohn, and Megan Neuman would
16 be named in Interrogatory No. 1 as having some involvement, however minor with the environmental
17 review of the Proposal.

18 Also, OPCD will identify Brennon Staley, Geoffrey Wentlandt and Nicholas Welch in
19 response to Interrogatory No. 7 and also identify Brennon Staley and Geoffrey Wentlandt in response
20 to Interrogatory No. 8 (Second Interrogatory No. 6). Accordingly, everyone that has had any direct
21 involvement with the environmental review of the Proposal has already been identified to the
22 Appellants and will either be named as a City witness or has already been subpoenaed.

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³ See Appellants' Pre Se Motion Request for Subpoenas, p. 2, line 7-15 filed on January 14, 2021.

1 **II. OPCD DOES NOT OBJECT TO THE OTHER SUBPOENA REQUESTS**

2 OPCD does not object to the Hearing Examiner granting the Appellants' revised request for
3 subpoenas for the following City staff:

- 4 • Nicholas Welch (OPCD)
5 • Jennifer Pettyjohn (OPCD)
6 • Megan Neuman (Seattle Department of Construction and Inspections)

7 These City staff were all identified to have had a role, however minor, in the environmental
8 review of the non-project action at issue in this appeal.

9 OPCD already plans to call as witnesses Brennon Staley and Geoffrey Wentlandt from
10 OPCD, and David Van Skike from SDCI.

11 OPCD was not planning to call Nicholas Welch and Jennifer Pettyjohn as witnesses simply
12 because their involvement in the environmental review process was very limited. Brennon Staley led
13 the environmental review efforts, and Nicholas Welch and Jeffifer Pettyjohn provided information to
14 Brennon Staley as part his environmental review. Brennon Staley's expected testimony was planned
15 to address the information that Nicholas Welch and Jennifer Pettyjohn provided to him as part of the
16 environmental review.

17 OPCD was also not planning on calling Megan Neuman as a witness to avoid duplicative
18 testimony because Megan Neuman and David Van Skike worked together and, if they both testify,
19 their testimony is expected to be substantially similar.

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1 Nonetheless, OPCD does not object to the Hearing Examiner granting the Appellants' request
2 for subpoenas of Megan Neuman, Jennifer Pettyjohn, and Nicholas Welch.

3 DATED this 8th day of February, 2022.

4 ANN DAVISON
5 Seattle City Attorney

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10 *Attorneys for Respondent City of Seattle, Office of*
11 *Planning & Community Development*

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of the foregoing document with the
3 Seattle Hearing Examiner using its e-filing system.

4 I also certify that on this date, a copy of the same document was sent via email to the
5 following parties:

6 TreePac Environmental Review
7 512 N. 82nd Street
8 Seattle, WA 98103
9 Richard Ellison, Chair & Vice President
Pro Se Appellant
treesandpeople@pacificwest.com

10 Dated this 8th day of February, 2022, at Seattle, Washington.

11 s/ Bibi Shairulla
12 Bibi Shairulla, Legal Assistant