

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

Hearing Examiner File:

W-21-007

TreePAC Environmental Impact Review
(TEIR) and Greenwood Exceptional
Trees (GET) of the November 15, 2021
Determination of Non-Significance by
Brennon Staley, Office of Planning and
Community Development (OPCD).

APPELLANTS' RESPONSE TO
DEPARTMENT'S QUASH
SUBPOENAS OF J. FAITH RAMOS

I. BACKGROUND

On February 1, 2022, pursuant to Hearing Examiner Rules HER 3.12 Subpoenas, the Appellants submitted a revised request for subpoenas of four (4) City Staff with the stated objective to provide testimony relative to City Core Document exhibits received and pending Appellant Interrogatories 7 and 8 following the Deputy Hearing Examiner Second Pre-Hearing Order dated January 18th ¹. Upon issuance of the requested subpoena to the TreePAC Environmental Impact Review ("TEIR") and Greenwood Exceptional Trees (GET), the Department submitted on February 8 a motion to quash one of the four city staff members. This new motion follows an already accepted denial to TEIR's original request to subpoena the Director of the Office of Planning and Community Development as lead person for the agency's proposal. Accordingly, in the interest of providing all of the relevant evidence as is required to establish the merit and proof of the issues specifically relative to the impacts to the Seattle tree canopy, TEIR

¹ Second pre-hearing order established the Discovery Deadlines.

- Appellants' Interrogatories January 14, 2022
- Appellants' Subpoena Motions January 14, 2022
- Department's Subpoena Motions Response January 21, 2022
- Examiner Decision on Subpoena Motions January 25, 2022
- Appellants' Hearing Subpoenas January 27, 2022

1 hereby requests that the motion to quash a highly-relevant city witness for their **unrefuted**
2 work on Seattle’s tree canopy is denied by the **Hearing** Examiner.

3 **II. RESPONSE**

4 The motion from the Department to quash TEIR’s (and GET) subpoena of relevant
5 Seattle City staff member Jacqueline Faith Ramos must be denied as the Appellant has
6 tailored the subpoena requests to the HER 3.12(b)² and HER 3.11³ criteria.

7 TEIR’s noted qualification to subpoena this witness stated as follows (page 2, line 23):

8 “From past public records request regarding Seattle tree loss, Jacqueline Faith Ramos is
9 assumed to last hold a position with the Seattle Information Technology Department and
10 formerly **held** a *multifamily zone tree loss assessment* role with the Seattle Department of
11 Construction and Inspections (circa 2017). They are assumed to be served at 700 5th Ave,
12 Suite 2700, Seattle, WA, 98104; the phone for the department is (206) 684-0600⁴. Their
13 testimony is relevant as the person from *a city agency knowledgeable of the most recent*
14 *Seattle Tree Canopy Assessment and its SEPA implications relative to plants within zones*
15 *for townhouses.*” (emphasis added)

16 Following on page 3, line 3, the request clarifies the timely nature to identify a relevant
17 city witness: “Likewise, a forthcoming subpoena is also requested based on the
18 Department response to interrogatory #8 which asked for the names and contact
19

20
21
22 ² (b) A motion for a subpoena for a person shall include the person's name and address, show the relevance
23 of that person's testimony, and demonstrate the reasonableness of the scope of the subpoena sought. A request for a
24 subpoena for documents or other physical exhibits shall include the name and address of the person who is to produce
25 the documents or other physical exhibit, specify the materials to be produced, indicate the relevance of the materials
26 subpoenaed to the issues on appeal, and demonstrate the reasonableness of the scope of the subpoena sought.

27 ³ Appropriate prehearing discovery, including written interrogatories, and deposition upon oral and written
28 examination, is permitted. In response to a motion, or on the Hearing Examiner’s own initiative, the Examiner may
compel discovery, or may prohibit or limit discovery where the Examiner determines it to be unduly burdensome,
harassing, or unnecessary under the circumstances of the appeal. Unless provided otherwise by order, the Hearing
Examiner should not be copied on discovery documents, or on correspondence and electronic mail about discovery
matters.

⁴ Direct 206-256-5120.

1 information for the Seattle staff (present or past) who *are aware of the content of the*
2 *Seattle 2016 Tree Canopy Assessment* (w-21-007 appeal Exhibit 1).” (emphasis added)
3 From TreePAC’s public record request up to October 2019 that encompassed the records
4 from the agencies OPCD, SDCI and **SDOT** regarding Seattle tree loss, it is clear that
5 calling J. Faith Ramos meets the criteria of relevance. We supported that criteria by
6 including one page of several pages of the public records response that listed⁵ J. Faith
7 Ramos as the originator of the records. Moreover, we have numerous documents that are
8 part of this record as partially conveyed in the attached Exhibit No. 70.
9 Accordingly, the Department’s claim that the TEIR request is not relevant to CR 26(b)(1)
10 is not only subjective, but it is erroneous (page 1, line 21). Ms. Ramos is employed by the
11 City of Seattle and her knowledge and leadership of the subject matter is quite relevant in
12 the pending action of the OPCD. The City has not taken any actions to address the tree
13 canopy loss in multifamily areas of Seattle since Ms. Ramos **led the** research effort five
14 years ago. There were no new codes that would make their assessments irrelevant in the
15 SEPA review of the OPCD’s townhouse reform proposal.
16 Moreover, the motion from the Department fails to provide the evidence that any other
17 city staff member is more qualified than J. Faith Ramos who **led** the city’s research into
18 the relevant assessment of Seattle’s tree canopy and its environmental significance.
19 Instead, the Department “neither confirms nor denies [Ms. Ramos’] role in the
20 assessment of tree loss in 2017” (page 2, line 2).
21 Finally, the motion from the Department erroneously states that the subpoenas’ filed on
22 January 14, 2022 did not seek a subpoena for Jaqueline Faith Ramos, but only the OPCD
23 Director. This claim was already refuted by TEIR within our January 26, 2022 Motion to
24 Compel Response to Discovery and Clarification to Remaining Subpoena ⁶. The Motion
25

26
27 ⁵ Refer to attachment no. 2 listing of some of the files from the records request.

28 ⁶ Page 4, Line 17 states: “Given timing for remaining subpoenas that are to be prepared by the Hearing Examiner prepared and served by an independent party, the Examiner should compel the discovery response no later

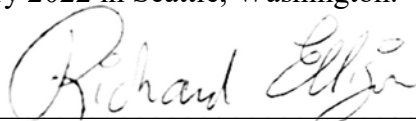
1 to Compel stated (page 1, line 17): “On January 25, 2022, the Deputy Hearing Examiner
2 ruled in favor of the City’s opposition to calling the Director of the Office of Planning
3 and Community Development. The Appellants accept that decision. Clarity is requested,
4 however, relative to the *remaining portion of the January 14th motion that also requested*
5 *the right to subpoena those persons identified within the forthcoming response to*
6 *Interrogatory No. 1* relative to dates provided in the Second Pre-Hearing Order on
7 January 18th.” The need to review the motion was waived by the Hearing Examiner on
8 the basis that parties would resolve their differences. **Not having a response to the**
9 **interrogatory no. 8 has led to the subpoena of this knowledgeable individual.**

10 The request for Jacqueline Faith Ramos is relevant per w-21-007 Appellant Exhibits 70
11 to 76 from a 2019 public records request . Some of these exhibits has been shared via
12 email and not within this documents e-file. Any staff member with such knowledge is
13 prohibited from being requested to not testify regarding their knowledge.
14

15 III. RELIEF

16 The Motion from the Department to Quash the Subpoena of Jacqueline Faith Ramos
17 based on irrelevance is erroneous and should be denied. The Department has not replied
18 to interrogatory #8 to provide any other city staff with the breadth of knowledge and
19 leadership of city teams in this matter as public records of 2019 demonstrate in favor of
20 Jacqueline Faith Ramos.
21

22 Signed this 11TH day of January 2022 in Seattle, Washington.

23 

24 Richard Ellison, appellant rep pro se
25

26
27
28 than January 31, 2022 and allow just those subpoena-generated exhibits that might result to be e-filed and served to
the Examiner and all parties no later than February 17, 2022.”

Certificate of Service

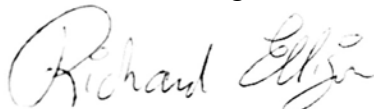
I, Richard Ellison, certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies, via e-mail, of the **Appellant's Response to Department's Motion to Quash Subpoena of J. Faith Ramos** to the person listed below, in the matter of the Determination of Non-Significance issued by the Director, Office of Planning and Community Development, Hearing Examiner File No. W-21-007. I also certify that on this date, a copy of the same document was sent via email to the following parties:

Department:
Geoffrey Wentlandt
Office of Planning and Community Development
Email: geoffrey.wentlandt@seattle.gov

Department Legal Counsel:
Daniel Mitchell
Seattle City Attorney's Office
Email: daniel.mitchell@seattle.gov

Co-Appellant:
Ivy Durslag
Greenwood Exceptional Trees
512 N. 82nd Street Seattle, WA 98103
Email: ivyhaley@msn.com

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct to the best of my knowledge and belief.
Signed this 11TH of February 2022 in Seattle, Washington.



Richard Ellison, appellant rep pro se

EXHIBIT '70' Appellant

Ramos_Tree_Work_Emails_Attachments.pdf (Opened from Adobe Document Cloud) - Adobe Acrobat Reader DC

Fi					
Main Moehring Srch3 Ramos Emails and Attachments					
rom	Subject	Date	Attachments	Size	
Neuman, Megan	FW: Tree EO 2017-11	9/4/2018 8:41:00 AM	2	964.69 KB	
Ramos, Faith	RE: Tree EO 2017-11	9/4/2018 7:02:23 AM	2	963.88 KB	
Perrin-C, Lisa-c	Trees	8/30/2018 9:42:53 AM	2	771.65 KB	
Glowacki, Margaret	RE: 2017 follow-up on 2009 Trees audit	1/29/2018 8:53:43 AM	2	1.20 MB	
Caulfield, Michelle	FW: PDR Assignment (Created 9/21/2017 4:19:46 PM)...	10/16/2017 8:09:17 AM	2	437.86 KB	
Ramos, Jacqueline	Design Review MUPs - tree protection	5/3/2017 3:31:13 AM		94.05 KB	
Glowacki, Margaret	RE: Tree regulations!	5/1/2017 8:03:24 AM	1	175.79 KB	
Larsen, Shauna	FW: Shauna would like to review PPT to share a few q...	4/3/2017 9:56:00 AM	2	27.07 MB	
Ramos, Jacqueline	Tree Regulations Final Report	3/31/2017 9:25:06 AM	2	406.75 KB	
Ramos, Jacqueline	RE: Notes from 2/15/2017 and Agenda for Final Prese...	3/22/2017 9:55:16 AM	2	18.21 MB	
Ramos, Jacqueline	Notes from 2/15/2017 and Agenda for Final Presenta...	3/20/2017 6:05:08 AM	3	127.28 KB	
Ramos, Jacqueline	Tree Protection summary from September 2016	3/8/2017 3:54:30 AM	2	421.08 KB	
Ramos, Jacqueline	Rough draft of Phase II Project Update presentation	1/13/2017 4:04:57 AM	2	559.87 KB	
Ramos, Jacqueline	Phase I Memo	1/9/2017 8:28:30 AM	2	476.89 KB	
Ramos, Jacqueline	New visual -- RE: Tree Data Sets - graphic	9/26/2016 2:07:51 AM	3	383.10 KB	
Ramos, Jacqueline	Tree Data Sets - graphic	9/21/2016 6:19:42 AM	2	210.78 KB	
Ramos, Jacqueline	Tree regulations products; planting, protection, and s...	9/20/2016 9:01:07 AM	4	982.14 KB	
Ramos, Jacqueline	Tree Data: 1) PAT 11500, 2) First Grnd Disturb, 3) Top Z...	8/16/2016 7:05:00 AM	4	1.74 MB	
Ramos, Jacqueline	DPD GIS	7/27/2016 2:01:00 AM	2	3.88 MB	
Ramos, Jacqueline	City of Seattle TreeCanopy layer at 8000	7/25/2016 4:32:00 AM	2	3.88 MB	
Ramos, Jacqueline	City of Seattle Tree Canopy GIS map layer - 8000	7/25/2016 4:12:00 AM	1	3.83 MB	
Ramos, Jacqueline	Tree Canopy map layer 8000	7/25/2016 4:05:00 AM	1	3.11 MB	
Ramos, Jacqueline	FW: City of Seattle GIS Tree Canopy layer - displays s...	7/25/2016 3:03:00 AM	2	6.02 MB	
Ramos, Jacqueline	Active Trees in Units 3, 5, 18 - table attached	3/7/2016 2:47:00 AM	1	1.74 MB	
Ramos, Jacqueline	Trees with Active Status (verify dates 12/31/2007 & 20...	1/25/2016 3:04:00 AM	2	4.62 MB	
Ramos, Jacqueline	RE: census tract polygon and council district polygo...	1/22/2016 1:59:00 AM	1	152.65 KB	
Ramos, Jacqueline	GIS map boundary question	1/4/2016 7:53:00 AM	2	1.27 MB	
Ramos, Jacqueline	screen shot of all ROW trees - District 4, 5 - Units 17, ...	1/4/2016 5:26:00 AM	1	374.66 KB	
Ramos, Jacqueline	newest version of Mgmt Unit Map	1/4/2016 4:24:00 AM	1	940.18 KB	
Ramos, Jacqueline	lo-rez and higher-rez UF unit maps	12/30/2015 4:08:00 AM	4	2.82 MB	
Ramos, Jacqueline	RE: Tree Maintenance Mgmt Units - map png	11/25/2015 2:28:00 AM	1	257.60 KB	
Trethewy, Dana	RE: Tree Maintenance Mgmt Units - map png	11/24/2015 10:48:30 AM		79.35 KB	
Ramos, Jacqueline	Tree Maintenance Mgmt Units - map png	11/24/2015 8:33:00 AM	1	344.23 KB	
Ramos, Jacqueline	Tree Maintenance map png	11/24/2015 8:32:00 AM	1	343.80 KB	
Ramos, Jacqueline	Crataegus and Malus tables	11/10/2015 4:25:00 AM	2	2.63 MB	
Ramos, Jacqueline	Trees water 2015 (yr 1, 2, 3) - UTRP=734	10/29/2015 3:06:00 AM	1	510.57 KB	
Ramos, Jacqueline	FW: New trees planted in 2014 by council district	10/27/2015 3:09:00 AM	5	2.14 MB	
Burns, Emily	RE: New trees planted in 2014 by council district	10/26/2015 3:20:15 AM	5	2.14 MB	
Ramos, Jacqueline	Trees watered in 2015 - ct4687	10/22/2015 6:59:00 AM	1	804.33 KB	
Burns, Emily	FW: New trees planted in 2014 by council district	10/21/2015 2:16:37 AM		114.83 KB	
Burns, Emily	RE: 2014 Tree plantings SDOT-owned BTG + UTRP	10/20/2015 6:34:07 AM		109.56 KB	
Ramos, Jacqueline	2014 Tree plantings SDOT-owned BTG + UTRP	10/20/2015 5:34:00 AM	1	259.28 KB	
Ramos, Jacqueline	Attached LDX Narrative draft	9/29/2015 6:10:00 AM	2	138.13 KB	
Ramos, Jacqueline	work-in-progress LDX RET narrative	9/29/2015 5:48:00 AM	1	94.34 KB	
Ramos, Jacqueline	RET LDA initial summary from GIS	9/24/2015 7:47:00 AM	1	88.92 KB	

Received October 17, 2019 from SDCI public records request- Tree Loss



RE: RE: Prehearing Conference Scheduling availability RE W-21-007

From: "Oberhansly, Angela" <Angela.Oberhansly@seattle.gov>
To: "Trees and People Coalition" <treesandpeople@pacificwest.com>, "Mitchell, Daniel B" <Daniel.Mitchell@seattle.gov>
Cc: "Wentlandt, Geoffrey" <Geoffrey.Wentlandt@seattle.gov>, "Menzel, Laurie" <Laurie.Menzel@seattle.gov>, "RICHARD E" <climbwall@msn.com>, "IVYHALEYmsn.com" <IVYHALEY@msn.com>, "kevinorme@protonmail.com" <kevinorme@protonmail.com>
Date: Feb 7, 2022 8:40:38 AM

Good morning, All

Examiner Drummond thanks you all for finding a resolution for the matter of timelines for issuing your witnesses and exhibit documents. The Examiner has no concerns with the deadline adjustments. The schedule the parties have agreed to for filing is fine. The prehearing conference recently scheduled is now cancelled.

Respectfully,

Angela Oberhansly

(AN-jeh-luh OH-ber-HANS-lee; she/her)

Administrative Specialist

Office of Hearing Examiner

<http://www.seattle.gov/hearing-examiner>

206-684-0521

From: Trees and People Coalition <treesandpeople@pacificwest.com>
Sent: Saturday, February 05, 2022 2:05 PM
To: Oberhansly, Angela <Angela.Oberhansly@seattle.gov>; Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>
Cc: Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>; kevinorme@protonmail.com
Subject: Re: RE: Prehearing Conference Scheduling availability RE W-21-007

CAUTION: External Email

Good afternoon,

I am following up from late yesterday for our representative Richard Ellison. Richard and I and others are members of TreePAC Env. Impact Review. We have agreed to waive the need for a brief conference call early this week while committing to our timeline for issuing our witnesses and exhibit documents ... except we are expecting those potential witnesses and documents that the OPCD will be generating from the interrogatory and subpoenas. We believe that the other Exhibits and Witnesses are due from us this week on February 10th. We do reserve our right to ask the Hearing Examiner for a later hearing date if the discovery documents should not be provided on February 21st as promised, and as early as possible on that day. We will review upon receipt if the responses we incomplete relative to the questions we asked. Of course, this is only an option for us if the Hearing Examiner is agreeable to receiving these supplemental exhibits and hard-copies about one week before the scheduled February 28 hearing.

Our biggest concern yet remains is the missing contact information required in order for subpoenas to be issued to the OPCD and SDCI staff that have been involved in the preparation and SEPA review of the proposal. Issuance of subpoena dates are regulated by State RCW. Reattached for your convenience is the previously issued interrogatories #1, #7 and #8 - including number corrections marked.

What are waiting for:

- _ subpoena contact information for 4 persons that the OPCD listed in interrogatory 1.
- _ names and contact information for Core Documents and cumulative impacts from the interrogatory 7.
- _ and from interrogatory #8, names and contact information for the Seattle staff (present or past) who is/are aware of and may answer questions for the Hearing Examiner regarding the content of the Seattle 2016 Tree Canopy Assessment (appeal Exhibit 1).

Thank you,

Kevin Orme on behalf of Richard Ellison

treesandpeople@pacificwest.com

Sent: Thursday, February 03, 2022 at 4:42 PM

From: "Oberhansly, Angela" <Angela.Oberhansly@seattle.gov>

To: "Mitchell, Daniel B" <Daniel.Mitchell@seattle.gov>, "treesandpeople@pacificwest.com" <treesandpeople@pacificwest.com>

Cc: "Wentlandt, Geoffrey" <Geoffrey.Wentlandt@seattle.gov>, "Menzel, Laurie" <Laurie.Menzel@seattle.gov>, "RICHARD E" <climbwall@msn.com>, "IVYHALEYmsn.com" <IVYHALEY@msn.com>

Subject: RE: Prehearing Conference Scheduling availability RE W-21-007

Hi All,

Examiner Drummond has reviewed the suggestion from Mr. Mitchell.

Examiner Drummond would like to ask both parties if the suggestion given by Mr. Mitchell resolves

outstanding questions on discovery/hearing schedule? If so, there is no need for a pre-hearing conference.

Respectfully,

Angela Oberhansly

(AN-jeh-luh OH-ber-HANS-lee; she/her)

Administrative Specialist

Office of Hearing Examiner

<http://www.seattle.gov/hearing-examiner>

206-684-0521

From: Oberhansly, Angela

Sent: Thursday, February 03, 2022 4:36 PM

To: Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>; treesandpeople@pacificwest.com

Cc: Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>

Subject: RE: Prehearing Conference Scheduling availability RE W-21-007

Thank you, Mr. Mitchell. I've informed the Examiner of your suggestions below.

Angela Oberhansly

(AN-jeh-luh OH-ber-HANS-lee; she/her)

Administrative Specialist

Office of Hearing Examiner

<http://www.seattle.gov/hearing-examiner>

206-684-0521

From: Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>

Sent: Thursday, February 03, 2022 4:31 PM

To: Oberhansly, Angela <Angela.Oberhansly@seattle.gov>; treesandpeople@pacificwest.com

Cc: Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>

Subject: RE: Prehearing Conference Scheduling availability RE W-21-007

Good afternoon,

I would like to offer a suggestion, as it is what I would suggest at the prehearing conference.

Currently, discovery responses are required by February 14. Appellant is concerned that they are required to submit their Witness and Exhibit List by February 10, before the discovery deadline.

I let the Appellant know that OPCD will work towards providing discovery earlier than February 14 but that OPCD is not willing to agree to a shorter deadline.

Perhaps the solution is to allow the Appellant an opportunity to submit an Amended Exhibit List by February 21 (one week after responses to discovery is due and one week prior to the hearing) to include any documents unearthed during discovery that was not already included in the February 10 Exhibit List.

I will plan to attend the scheduled prehearing conference but thought I would suggest that now to potentially alleviate the need for a prehearing conference.

Thanks,

Dan



Daniel B. Mitchell
Assistant City Attorney
Land Use Section

Seattle City Attorney's Office

Civil Division

701 Fifth Avenue, Suite 2050

Seattle, WA 98104-7095

Phone: 206-684-8232

FAX: 206-684-8284

daniel.mitchell@seattle.gov

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From: Oberhansly, Angela <Angela.Oberhansly@seattle.gov>
Sent: Thursday, February 3, 2022 4:03 PM
To: treesandpeople@pacificwest.com
Cc: Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>; Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>
Subject: RE: Prehearing Conference Scheduling availability RE W-21-007

Thank you for your response, Mr. Ellison. TreePAC's availability for prehearing conference has been noted.

Angela Oberhansly

(AN-jeh-luh OH-ber-HANS-lee; she/her)

Administrative Specialist

Office of Hearing Examiner

<http://www.seattle.gov/hearing-examiner>

206-684-0521

From: treesandpeople@pacificwest.com <treesandpeople@pacificwest.com>
Sent: Thursday, February 03, 2022 3:47 PM
To: Oberhansly, Angela <Angela.Oberhansly@seattle.gov>
Cc: Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>; Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>
Subject: Prehearing Conference Scheduling availability RE W-21-007

CAUTION: External Email

Good afternoon and our apologies on the delay.

I may be unable to attend some of these dates due to a short vacation, but we can have another member of the TreePAC Environmental Impact Review Team attend to review the topic of discovery, exhibits, and the hearing schedule. If acceptable, **Kevin Orme** (he/him/his) would be temporarily representing our interests until I return. Mr. Orme may be reached at the email treestandpeople@pacificwest.com.

We can also be available for a brief conference call these dates and times:

- Monday, February 7th – 12pm – 1pm
- Tuesday February 8th – 9:15am – 10:30am ; or Noon to 2pm
- February 9th – 1pm - 2pm

Sincerely,

Richard Ellison,

TreePAC Environmental Impact Review Pro-Se appellant rep

(I have limited availability Thursday to Monday - but I could arrange for another TEIR or GET in my absence.)

The Trees and People Coalition
treestandpeople@pacificwest.com
Northwest Washington

Steward and Grow Trees WITH People in the Pacific Northwest

Sent: Wednesday, February 02, 2022 at 4:21 PM
From: "Oberhansly, Angela" <Angela.Oberhansly@seattle.gov>
To: "Mitchell, Daniel B" <Daniel.Mitchell@seattle.gov>, "Trees and People Coalition" <treestandpeople@pacificwest.com>
Cc: "Wentlandt, Geoffrey" <Geoffrey.Wentlandt@seattle.gov>, "Menzel, Laurie" <Laurie.Menzel@seattle.gov>, "RICHARD E" <climbwall@msn.com>, "IVYHALEYmsn.com" <IVYHALEY@msn.com>
Subject: RE: Prehearing Conference Scheduling availability RE W-21-007

Thank you, Mr. Mitchell.

Your availabilities for prehearing conference has been noted.

Regards,

Angela Oberhansly

(AN-jeh-luh OH-ber-HANS-lee; she/her)

Administrative Specialist

Office of Hearing Examiner

<http://www.seattle.gov/hearing-examiner>

206-684-0521

From: Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>

Sent: Wednesday, February 02, 2022 4:02 PM

To: Oberhansly, Angela <Angela.Oberhansly@seattle.gov>; Trees and People Coalition <treesandpeople@pacificwest.com>

Cc: Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>

Subject: RE: Prehearing Conference Scheduling availability RE W-21-007

Good afternoon,

OPCD is available for a prehearing conference at the following times:

February 7th – 12pm – 1pm

February 8th – 9:15am – 2pm

February 9th – 10 am – 11 am or 1pm - 2pm

Thanks,

Dan



Daniel B. Mitchell

Assistant City Attorney

Land Use Section

Seattle City Attorney's Office

Civil Division

701 Fifth Avenue, Suite 2050

Seattle, WA 98104-7095

Phone: 206-684-8232

FAX: 206-684-8284

daniel.mitchell@seattle.gov

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From: Oberhansly, Angela <Angela.Oberhansly@seattle.gov>

Sent: Wednesday, February 2, 2022 2:21 PM

To: Trees and People Coalition <treesandpeople@pacificwest.com>; Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>

Cc: Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>

Subject: Prehearing Conference Scheduling availability RE W-21-007

Good Afternoon,

The Examiner would like to schedule a prehearing conference regarding Hearing Examiner File W-21-007. Please provide your full range of availability with respect to all the dates and times provided below.

- Monday, February 7th 12 pm – 2pm;
- Tuesday, February 8th 9am – 2pm; or
- Wednesday, February 9th 9am – 2pm

Thank you,

Angela Oberhansly

(AN-jeh-luh OH-ber-HANS-lee; she/her)

Administrative Specialist

Office of Hearing Examiner

<http://www.seattle.gov/hearing-examiner>

206-684-0521

From: Trees and People Coalition <treesandpeople@pacificwest.com>

Sent: Wednesday, February 02, 2022 7:49 AM

To: Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>; Oberhansly, Angela <Angela.Oberhansly@seattle.gov>

Cc: Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>

Subject: RE Appeal of TreePac HE No. W-21-007 - discovery completion date

Importance: High

CAUTION: External Email

For the important attention of the Hearing Examiner Susan Drummond,

The appeal team have respectfully requested that responses to discovery be made available at least one week prior to the publishing of our Exhibits and Witness List February 10th due date. We understand from the email yesterday that discovery outcomes will not be available until one week after our Exhibits and Witness List February 10th due date.

This would be a significant issue in being able to provide the standards of an appellant's burden of proof.

Respectfully, if necessary, we ask again for a conference for the parties since it appears that the appellants will be denied from providing discovery documents as exhibits. <https://web6.seattle.gov/Examiner/case/W-21-007>

From the Hearing Examiner's Order: "Appellants' Witness and Exhibit Lists. File and serve 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."

The Order also states "The discovery cut-off is February 14, 2022. **Discovery must be served and/or**

scheduled so responses can meet this deadline."

Unfortunately, our prior motion for continuance has not been properly addressed at this time. It suggested:

" February 3 or 4 – OPCD releases complete responses to Interrogatories."

·"February 6 – Appellants provide to the Hearing Examiner the names and locations of service and the purpose of the subpoena. Also, any documents that the individual may have as referenced in the interrogatory may be included within the subpoena request. City waives intervention given names and documents referenced are in response to Discovery (less the OPCD Director per the Examiner's ruling)."

Sincerely,

Richard Ellison,

TreePAC Environmental Impact Review Pro-Se appellant rep

(I have limited availability Thursday to Monday - but I could arrange for another TEIR or GET in my absence.)

Sent: Tuesday, February 01, 2022 at 12:04 PM

From: "Mitchell, Daniel B" <Daniel.Mitchell@seattle.gov>

To: "Trees and People Coalition" <treesandpeople@pacificwest.com>

Cc: "Wentlandt, Geoffrey" <Geoffrey.Wentlandt@seattle.gov>, "Menzel, Laurie" <Laurie.Menzel@seattle.gov>, "RICHARD E" <climbwall@msn.com>, "IVYHALEYmsn.com" <IVYHALEY@msn.com>

Subject: RE: In re the Appeal of TreePac HE No. W-21-007

Good morning, Mr. Ellison.

The initial Prehearing Order, as well as the Second Amended Prehearing Order, both have the date of February 14 for discovery cutoff. I think that is the appropriate deadline set by the Hearing Examiner. At your request, we have already provided you with the expedited response to Interrogatory #1 well in advance of OPCD's deadline.

I can make no guarantees that OPCD will be able to provide responses to the Interrogatories or Requests for Production prior to February 14. However, if the responses are prepared and finalized before that date, OPCD will try to send them to you earlier if that proves to be possible.

Thanks,

Dan



Daniel B. Mitchell

Assistant City Attorney

Land Use Section

Seattle City Attorney's Office

Civil Division

701 Fifth Avenue, Suite 2050

Seattle, WA 98104-7095

Phone: 206-684-8232

FAX: 206-684-8284

daniel.mitchell@seattle.gov

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From: Trees and People Coalition <treesandpeople@pacificwest.com>

Sent: Tuesday, February 1, 2022 11:54 AM

To: Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>

Cc: Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Menzel, Laurie <Laurie.Menzel@seattle.gov>; RICHARD E <climbwall@msn.com>; IVYHALEYmsn.com <IVYHALEY@msn.com>

Subject: Re: In re the Appeal of TreePac HE No. W-21-007

CAUTION: External Email

Good morining, Mr. Mitchell

Looking at the email below: it states that the due date for the interrogatories is earlier than Feb 14th.

We have to have all of our exhibits before that date.

I think it is due Thursday.

Please confirm.

Thank you,

Richard Ellison.

Sent: Wednesday, January 26, 2022 at 3:30 PM

From: "Mitchell, Daniel B" <Daniel.Mitchell@seattle.gov>

To: "treesandpeople@pacificwest.com" <treesandpeople@pacificwest.com>

Cc: "Wentlandt, Geoffrey" <Geoffrey.Wentlandt@seattle.gov>, "Menzel, Laurie" <Laurie.Menzel@seattle.gov>

Subject: In re the Appeal of TreePac HE No. W-21-007

Hello Mr. Ellison,

I have attached for your review OPCDs prepared response to Interrogatory #1. This same information will be provided in OPCDs formal response when it responds to the other interrogatories due by February 14th.

You requested to have this information in advance and OPCD expedited its response to Interrogatory #1 to accommodate your request.

Also, if you plan to subpoena anyone on this list, OPCD does not at this time plan to object to the subpoena request.

That being said, OPCD will be listing as witnesses and plans to call Brennon Staley, Geoff Wentlandt, and David Van Skike from SDCI as witnesses. You will have an opportunity to examine those witnesses without the need for any subpoenas.

I would be glad to discuss this with you further if you have any questions or concerns.

Thanks,

Dan



Daniel B. Mitchell

Assistant City Attorney

Land Use Section

Seattle City Attorney's Office

Civil Division

701 Fifth Avenue, Suite 2050

Seattle, WA 98104-7095

Phone: 206-684-8232

FAX: 206-684-8284

daniel.mitchell@seattle.gov

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