

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner File:
W-21-007

**TREEPAC ENVIRONMENTAL IMPACT
REVIEW (TIER) and GREENWOOD
EXCEPTIONAL TREES (GET),**

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

**ORDER ON MOTION TO
QUASH SUBPOENA**

1. Motion. The Office of Planning and Community Development (“Department”) moved to quash a hearing subpoena directed to Jacqueline Faith Ramos based on relevance. The Department’s position is that Ms. Ramos’s 2017 tree canopy work is irrelevant to the issues raised.

2. Subpoena Authority. A party seeking a subpoena must “show the relevance of that person's testimony, and demonstrate the reasonableness of the scope of the subpoena sought.”¹ If this showing is not made, the Examiner may limit discovery.²

3. Appeal. The Department issued a Determination of Non-Significance under the State Environmental Policy Act, Ch. 43.21C RCW (“SEPA”). The Appellants raised tree canopy impacts as a SEPA issue, and identified information to support their assertion that Ms. Ramos’ testimony is relevant. The Examiner will allow the subpoena. This is not a ruling on whether the work from several years ago or the testimony will ultimately prove relevant, only that it may. Consequently, this order does not preclude relevance objections made at hearing.

ORDER

The Department’s motion to quash is **DENIED** without prejudice.

Entered February 15, 2022.

/s/ Susan Drummond
Susan Drummond, Deputy Hearing Examiner

¹ HER 3.12(b).

² HER 3.11.

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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 **ORDER ON MOTION TO QUASH SUBPOENA** 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.

Party	Method of Service
Appellant 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
Department 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
Department Legal Counsel 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

Mailing 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: February 15, 2022

/s/ Angela Oberhansly
Angela Oberhansly
Administrative Specialist