

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

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

Respondent the City of Seattle and the Seattle Office of Labor Standards (collectively "OLS") preliminarily intends to call the following witnesses and offer the following exhibits at the hearing beginning Monday, October 17, 2022. Discovery is ongoing in this case, and the City expects that the witnesses it calls and exhibits it introduces will evolve significantly as discovery proceeds.

Respondent reserves the right to call any witness identified by any other party, or introduce any exhibit identified by any other party, or to timely disclose additional witnesses and/or exhibits after receipt of materials or information from Appellants or other sources, including but not limited to, Witness and Exhibit Lists, responses to discovery requests, and additional information regarding the case.

1 **I. WITNESS LIST**

2 **1. Daron Williams, Senior Investigator**

3 Seattle Office of Labor Standards
4 c/o Asst. City Attorneys Erica Franklin and Lorna S. Sylvester
5 Seattle City Attorney's Office
6 701 Fifth Avenue, Suite 2050
7 Seattle, WA 98104
8 Email: erica.franklin@seattle.gov
9 lorna.sylvester@seattle.gov

10 Mr. Williams is expected to testify about the calculation of wages owed for each type of
11 violation identified in the Findings of Fact, Determination, and Final Order. Mr. Williams is also
12 expected to testify about information he received as a result of the Office of Labor Standards'
13 investigation of Respondents in this matter.

14 Expected duration of testimony: 3-5 hours

15 **2. Ashley Harrison, Senior Investigator**

16 Seattle Office of Labor Standards
17 c/o Asst. City Attorneys Erica Franklin and Lorna S. Sylvester
18 Seattle City Attorney's Office
19 701 Fifth Avenue, Suite 2050
20 Seattle, WA 98104
21 Email: erica.franklin@seattle.gov
22 lorna.sylvester@seattle.gov

23 Ms. Harrison is expected to testify about the calculation of wages owed for each type of
violation identified in the Findings of Fact, Determination, and Final Order. Ms. Harrison is also
expected to testify about information she received as a result of the Office of Labor Standards'
investigation of Respondents in this matter.

Expected duration of testimony: 3-5 hours

3. Katie Jo Keppinger, Enforcement Manager

Seattle Office of Labor Standards
c/o Asst. City Attorneys Erica Franklin and Lorna S. Sylvester
Seattle City Attorney's Office
701 Fifth Avenue, Suite 2050
Seattle, WA 98104
Email: erica.franklin@seattle.gov
lorna.sylvester@seattle.gov

Ms. Keppinger is expected to testify about the assessment of liquidated damages, penalties,
and fines in the Findings of Fact, Determination, and Final Order.

Expected duration of testimony: 1 hour

4. Johnathan Ivan Parra Ponce, Worker at 1120 Denny Way

c/o Asst. City Attorneys Erica Franklin and Lorna S. Sylvester

Seattle City Attorney's Office

701 Fifth Avenue, Suite 2050

Seattle, WA 98104

Email: erica.franklin@seattle.gov
lorna.sylvester@seattle.gov

Mr. Parra Ponce is expected to testify about the Baja Concrete/Newway Forming, Inc. working conditions at the 1120 Denny Way construction project. Mr. Parra Ponce's testimony regarding the working conditions is expected to include, but is not limited to, hours worked, payments, rest breaks, sick time, and supervisors/managers.

Expected duration of testimony: 3-4 hours

II. PRELIMINARY EXHIBIT LIST

Exhibit No.	Description
1	Records of hours worked
2	Records of pay made to employees
3	Materials from the Office of Labor Standard's investigative file
4	Materials produced in discovery by Appellants

DATED this 1st day of April, 2022.

ANN DAVISON
Seattle City Attorney

By: /s/Lorna S. Sylvester
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Email: lorna.sylvester@seattle.gov
Attorneys for Respondent,
The Seattle Office of Labor Standards

1 **CERTIFICATE OF SERVICE**

2 I hereby certify under penalty of perjury under the laws of the State of Washington that, on
3 this date, I caused to be served a true and correct copy of the foregoing document, **Respondent's**
4 **Amended Witness and Exhibit List (Preliminary)**, on the parties listed below and in the manner
5 indicated:

6
7 Jason R. Wandler
8 Nicole Wolfe
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10 Seattle, WA 98101
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12 *Newway Forming Inc.*

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21 *Antonio Machado*

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19 the foregoing being the last known addresses and email address of the above-named party
20 representatives.

21 Dated this 1st day of April, 2022, at Seattle, Washington.

22 /s/ Sheala Anderson
23 SHEALA ANDERSON