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7 **BEFORE THE HEARING EXAMINER**
8 **CITY OF SEATTLE**

9 In the Matter of the Appeals of
10 Baja Concrete USA Corp., Newway
11 Forming Inc., and Antonio
12 Machado,
13 From a Final Order of the Director,
14 City of Seattle Office of Labor
15 Standards, Respondent.
16

Hearing Examiner Files:
LS-21-002, LS-21-003, LS-21-004
(consolidated)

**[PROPOSED] ORDER GRANTING APPELLANT
BAJA CONCRETE USA CORP.'S MOTION TO
EXCLUDE EVIDENCE**

**HER 2.14, 2.16, 2.17, SMC 3.02.090(M), RCW 5.50
et seq, Former RCW 9A.72.085, ER 602, 801, 802**

Department Reference: 2020-00186-LS

17 **ORDER**

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19 THIS MATTER having come on before the undersigned Hearing Examiner of the City of
20 Seattle upon Motion by Appellant Baja Concrete USA Corp., and it appearing to the Hearing
21 Examiner that the following Order should be entered herein now, therefore, it is hereby:

22 IT IS HEREBY ORDERED, that the unsigned witness statements and notes of witness
23 interviews which were prepared in relation to interviews conducted by investigators of the City of
24 Seattle Office of Labor Standards, which were not signed by the witnesses, and all evidence, findings
25

1 of fact and conclusions of law which rely on or refer to the unsigned witness statements, and all
2 testimony, declarations and other evidence provided by any personnel of the OLS which are based on
3 the interviews conducted which led to or are based on the Unsigned Witness Statements are excluded
4 from this appeal before the Office of the Hearing Examiner.

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6 ENTERED _____, ____, 2022.

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9 _____
10 Ryan Vancil, Hearing Examiner

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12 Presented on July 1, 2022, by:

13 /s/ **Mark D. Kimball**

14 /s/ **Alex T. Larkin**

15 _____
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