

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeals of

**BAJA CONCRETE USA CORP., ROBERTO
CONTRERAS, NEWWAY FORMING INC.,
and ANTONIO MACHADO**

Hearing Examiner Files:
LS-21-002, LS-21-003, & LS-21-004

**SECOND PREHEARING
ORDER**

from a Final Order of the Decision issued by
the Director, Seattle Office of Labor Standards

A second prehearing conference was held for these consolidated matters on October 11, 2022. Attending the conference were: the appellants Baja Concrete USA Corp., represented by Alex Larkin; Newway Forming Inc., represented by Jason R. Wandler and Nicole E. Wolfe; and Antonio Machado, represented by Sarah Kincaid (collectively herein “Appellants”); and, the City of Seattle (“Department”), represented by Lorna Sylvester and Cindi Williams.

During the prehearing conference, the parties identified a schedule for final witness and exhibit lists and exchange of exhibits, and a hearing schedule. The following matters were discussed and agreed:

1. All parties’ deadline for filing and serving final witness lists, final exhibit lists, serving other parties an electronic copy of each of the exhibits listed on the exhibit list, and filing with the Office of Hearing Examiner an electronic copy and a hard copy of said exhibits: December 12, 2022.
2. Final exhibit and witness lists are filed with the Office of Hearing Examiner using the e-file system. Copies of exhibits are filed with the Office of Hearing Examiner in hard copy form and electronic form. Hard copies of exhibits are filed with the Office of Hearing Examiner by mail and must be mailed on the date they are due. Electronic copies of exhibits must be filed with the Office of Hearing Examiner by email at: Hearing.Examiner@seattle.gov. Electronic copies of exhibits must be labeled numerically in the order identified in the exhibit list. Each exhibit should be submitted as an individual Word or .pdf document, and each document must be saved with a brief and accurate descriptive title (no more than 1-3 words) to identify the document for other users. Parties are not required to provide copies of an exhibit to another party if the other party is known to possess a copy of the exhibit.¹

¹ Filing provisions may change if the hearing is held in person and not held remotely.

3. Final witness lists must include the names of witnesses, a summary of their expected testimony, and an estimate of time that will be dedicated to direct examination of the witness. If a witness will be testifying as an expert, a statement of qualifications must be included with the witness list. Except for purposes of impeachment, only those witnesses and exhibits listed by the parties may be offered at the hearing.
4. The parties will meet service requirements by electronic service.
5. Unless otherwise stated, deadlines are no later than 5:00 PM.
6. The hearing in this matter is scheduled to be held on **Monday, January 9, 2023**, beginning at **9:00 AM** via remote hearing platform Zoom. In addition to this initial hearing date, January 10, 11, 12, 17, and 18 have been reserved on the hearing calendar for continuation of the hearing.

Information about appeal hearings, including the *Hearing Examiner Rules of Practice and Procedure*, and a *Public Guide to Appeals and Hearings Before the Hearing Examiner*, is available on the Hearing Examiner's website, www.seattle.gov/examiner.

Entered October 11, 2022.

/s/Ryan Vancil
Ryan Vancil, Hearing Examiner

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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 **NOTICE OF HEARING ON MOTIONS** to each person listed below, or on the attached mailing list, in the matter of **BAJA CONCRETE USA CORP., ET AL.**, Hearing Examiner File: **LS-21-002, 003, & 004**, in the manner indicated.

Party	Method of Service
Appellant Legal Counsel (LS-21-002) Alex Larkin MDK Law 425-455-9610 alarkin@mdklaw.com Mark D. Kimball MDK Law 425-455-9610 mkimball@mdklaw.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
Appellant Legal Counsel (LS-21-003) Oles Morrison Rinker & Baker, LLP Jason R. Wandler 206-623-3427 wandler@oles.com Nicole E. Wolfe Wolfe@oles.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
Appellant Legal Counsel (LS-21-004) Sara Kincaid Rocke Law Group, PLLC sara@rockelaw.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 Legal Counsel Lorna Sylvester City Attorney's Office 206-256-5495 Lorna.sylvester@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

Cindi Williams City Attorney's Office Cindi.williams@seattle.gov	
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Dated: October 11, 2022

/s/ Angela Oberhansly
Angela Oberhansly
Legal Assistant