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7 BEFORE THE HEARING EXAMINER
8 FOR THE CITY OF SEATTLE

9 In the Matter of the Appeals of

10 AVALON BAY COMMUNITIES, INC.
11 THE RICHMARK COMPANY

12 From a Determination of Nonsignificance issued
13 by the Director, Department of Planning and
14 Development.

Hearing Examiner File Nos.

W-13-005

W-13-006

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THIRD STIPULATED PREHEARING
SCHEDULE AND HEARING DATES

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16 **I. STIPULATION**

17 Appellants AvalonBay Communities and The Richmark Company, and Respondent City
18 of Seattle, Department of Planning and Development (the Parties), by and through their
19 respective attorneys of record, stipulated to an initial schedule signed by the Hearing Examiner
20 on August 9, 2013. The Parties stipulated to a second schedule that was signed by the Hearing
21 Examiner on October 4, 2013. The second schedule was contingent on the City of Seattle
22 producing all documents requested in Appellants' Public Disclosure Act ("PDA") requests by
23 October 21, 2013. The stipulated schedule provided that if the City did not produce all
24 documents requested in Appellants' PDA requests by October 21, 2013, the parties would confer
25 and attempt to stipulate to an alternative prehearing and hearing schedule.
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1 The City did not meet the October 21, 2013 deadline and intends to produce all requested
2 documents by October 30, 2013. Accordingly, the parties have reached agreement on a modified
3 schedule, set forth below. This schedule is subject to further modification if the City fails to meet
4 the October 30, 2013 deadline.

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6 **II. ORDER**

7 This matter having come before the Hearing Examiner on the parties' Stipulation to
8 prehearing schedule and hearing dates, it is ORDERED that the following prehearing schedule
9 and hearing dates shall be established:

10 Production of Public Records Act Documents	October 30, 2013
11 Preliminary Witness and Exhibit Lists Due	November 8, 2013
12 Deadline for Discovery Requests	November 14, 2013
13 Deadline for Responses to Discovery Requests	December 5, 2013
14 Final Witness and Exhibit Lists Due	December 23, 2013
15 Deadline for Taking Depositions	January 10, 2013
16 City to File Dispositive Motions	January 17, 2013
17 Appellant's Response to Dispositive Motions	January 27, 2014
18 Reply to Dispositive Motions	February 6, 2013
19 Administrative Hearing Dates	February 24 and 25, 2014
20 Optional Deadline for Filing Post-Hearing Briefs	March 7, 2014

1 DATED this ____ day of _____, 2013.

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4 Anne J. Watanabe
Seattle Deputy Hearing Examiner

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6 Stipulation agreed to by:

7 PETER S. HOLMES
8 Seattle City Attorney

9
10 By  *

11 Patrick Downs, WSBA #25276
Assistant City Attorney

12
13 STOEL RIVES LLP

14
15 By  *

16 Erin L. Anderson, WSBA #23282
17 Ramona L. Monroe, WSBA #23752
Attorneys for The Richmark Company

18 MCCULLOUGH HILL LEARY, PS

19
20 By  *

21 Jack McCullough, WSBA #12740
22 Courtney Flora, WSBA #29847
Attorneys for Appellant AvalonBay Communities

23
24 *Per electronic approval*
25 *Oct 31, 2013*

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of Notice of Appearance of
3 Additional Counsel with the Seattle Hearing Examiner using its e-filing system.

4 I also certify that on this date, a copy of the same document was sent to the following
5 parties listed below via email:

6 Patrick Downs
7 Email: patrick.downs@seattle.gov
8 Eleanore S. Baxendale
9 Email: eleanore.baxendale@seattle.gov
Seattle City Attorney's Office

10 Rose Hailey
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19 701 – 5th Ave., Ste. 6600
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20 Dennis Meier
21 Department of Planning and Development
22 dennis.meier@seattle.gov

23 The foregoing being the last known email addresses of the above-named parties.

24 DATED this 31st day of October, 2013, at Seattle, Washington.

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26 
27 MICHELE BRANDON