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OFFICE OF
HEARING EXAMINER

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of

AVALON BAY COMMUNITIES, INC.
THE RICHMARK COMPANY

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

Hearing Examiner File Nos.

W-13-005

W-13-006

THIRD STIPULATED PREHEARING
SCHEDULE AND HEARING DATES

I. STIPULATION

Appellants AvalonBay Communities and The Richmark Company, and Respondent City of Seattle, Department of Planning and Development (the Parties), by and through their respective attorneys of record, stipulated to an initial schedule signed by the Hearing Examiner on August 9, 2013. The Parties stipulated to a second schedule that was signed by the Hearing Examiner on October 4, 2013. The second schedule was contingent on the City of Seattle producing all documents requested in Appellants' Public Disclosure Act ("PDA") requests by October 21, 2013. The stipulated schedule provided that if the City did not produce all documents requested in Appellants' PDA requests by October 21, 2013, the parties would confer and attempt to stipulate to an alternative prehearing and hearing schedule.


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.

5 II. ORDER

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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
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1 DATED this 1st day of November, 2013.


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4 Anne J. Watanabe
5 Seattle Deputy Hearing Examiner

6 Stipulation agreed to by:

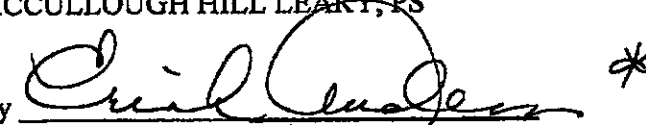
7 PETER S. HOLMES
8 Seattle City Attorney

9
10 By  *
11 Patrick Downs, WSBA #25276
12 Assistant City Attorney

13 STOEL RIVES LLP

14
15 By 
16 Erin L. Anderson, WSBA #23282
17 Ramona L. Monroe, WSBA #23752
18 Attorneys for The Richmark Company

19 MCCULLOUGH HILL LEARY, PS

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

24 *Plw 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
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26 Dennis Meier
27 Department of Planning and Development
28 dennis.meier@seattle.gov

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

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

29 
30 MICHELE BRANDON