

**BEFORE THE HEARING EXAMINER
City of Seattle**

In the Matter of the Appeal of)	Hearing Examiner File:
)	
DENNIS SAXMAN, et al.)	W-13-008
)	
From a SEPA Determination by the Director,)	Request for Permission to
Department of Planning and Development)	Supplement Exhibit and
)	Witness List
)	
_____)	

Because of delays caused by the Department of Planning and Development (DPD) in responding to Appellants Discovery Requests, Appellants request the Hearing Examiner to grant permission to supplement the Exhibit and Witness Lists submitted by Appellants earlier today. The ultimate date of the supplementation is in the control of the DPD for the reasons given in the next paragraph.

Last Thursday, the Appellants sent William Mills of the DPD an email demanding that documents be released to the Appellants as provided for in the Hearing Examiner’s Order on Motion to Limit/Compel Discovery. Mr. Mills responded initially by providing copies of an email with two documents attached, one a letter to Gregory Hill from Jon Siu, and another listing Key Seattle Fire Code provisions as they relate to microhousing. Both of those documents were included in the Exhibits submitted earlier this afternoon. Shortly after that, Mr. Mills also provided an email containing a copy of a memorandum written by Seattle Assistant Chief/Fire Marshall John Nelsen. I responded by sending Mr. Mills an email requesting all the emails that resulted in the email containing Assistant Chief Nelsen’s Memorandum. Mr. Mills responded that he thought that was a reasonable request, that he would request staff to which the email was sent to do a search, but that it would take a few days to give staff some time. This was last Friday, so I did not receive any additional documents or information today by the time Appellants Exhibits and Witness List were due. All of the relevant emails have been attached as Attachment A to this request. Appellants believe their last request may result in documents that are relevant to the subject matter of the appeal or are reasonably calculated to lead to documents and information that are relevant to the subject matter of an appeal.

Granting this request will preserve the Appellants’ rights to fair treatment and due process.

Respectfully submitted,

Dennis Saxman

Dennis Saxman, Authorized Representative for Appellants
December 16, 2013