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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.

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

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

HER 3.17, 3.18

16 **ORDER**

17 This matter, having come before the Court on Motion of Appellant Baja Concrete USA
18 Corp. and the Examiner having reviewed the record herein, the Examiner rules as follows:
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- 20 1. Appellant Baja Concrete USA Corp.'s ("Baja Concrete") Motion to Exclude I is
21 GRANTED. Respondent City of Seattle's exhibit nos. 43, 44, 45 – Pleadings in King
22 County Superior Court case no. 22-2-04760-7, are excluded from the hearing in this
23 matter.
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- 1 2. Baja Concrete’s Motion to Exclude 2 is GRANTED. Appellant Newway Forming Inc.’s
2 exhibit nos. 14, 15, 16, 17 - L&I Paperwork – Gomez Chavez, Parra Ponce, Gamboa
3 Lopresti, Catalon Toro, are excluded from the hearing in this matter.
- 4 3. Baja Concrete’s Motion to Exclude 3 is GRANTED. Respondent City of Seattle exhibit
5 no. 81 – Email Forler-Grant 09172019 Baja Concrete, is excluded from the hearing in
6 this matter.
- 7 4. Baja Concrete’s Motion to Exclude 4 is GRANTED. Respondent City of Seattle’s exhibit
8 no. 92 – Claudia Penunuri contact information, is excluded from the hearing in this
9 matter.
- 10 5. Baja Concrete’s Motion to Exclude 5 is GRANTED. Appellant Antonio Machado’s
11 exhibit no. 22 – Email from Daron Williams to Alex Larkin and Mark Kimball dated
12 2/24/2021, is excluded from the hearing in this matter.
- 13 6. Baja Concrete’s Motion to Exclude 6 is GRANTED. All unsigned witness statements for
14 which the witness is not testifying at the hearing, are excluded from the hearing in this
15 matter.
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19 ENTERED June ___, 2023.
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22 Ryan Vancil, Hearing Examiner
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Presented on June 7, 2023, by:

/s/ Alex T. Larkin

MARK D. KIMBALL, WSBA No. 13146

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