

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

EASTLAKE COMMUNITY COUNCIL

from a decision by the Director,
Department of Planning and
Development, on a Master Use Permit

Hearing Examiner File:
MUP-14-002(W)

Department Reference:
3014488

PREHEARING ORDER

A prehearing conference was held in this appeal on May 12, 2014. The Appellant, Eastlake Community Council, was represented by Jeffrey M. Eustis, attorney-at-law. The Applicant, Jay Janette, was represented by Jessica Clawson, attorney-at-law. The Director of the Department of Planning and Development (DPD) was represented by Bruce Rips, Senior Land Use Planner.

At the prehearing conference, there was discussion concerning the Appellant's public disclosure requests to DPD and the Seattle Department of Transportation, the Appellant's request for an interpretation from DPD and the Applicant's anticipated motions to dismiss, and the case schedule.

Following the prehearing conference, the Appellant notified the Examiner and the other parties that DPD estimates a response date of June 10, 2014 to the Appellant's public disclosure request for the record supporting DPD's SEPA determination that is at issue in this appeal. The Appellant has asked that the case schedule be revised to allow at least one week following DPD's response to this public disclosure request for the Appellant to file a response to the Applicant's anticipated motion to dismiss some of Appellant's appeal issues.

As discussed at the prehearing conference, it is anticipated that the Applicant's motion will seek dismissal of certain appeal issues as a matter of law. However, it is possible that the Appellant could demonstrate the existence of a genuine issue of material fact with respect to at least one of the issues the Applicant stated he will seek to dismiss. Therefore, the case schedule has been adjusted slightly from the one discussed at the prehearing conference. Any further issues with the schedule that the parties are not able to resolve among themselves may be raised by motion.

The case schedule for this appeal is as follows:

May 30, 2014

The Applicant shall file and serve his motion to dismiss appeal issues.

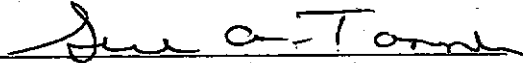
- June 16, 2014 Responses to the motion to dismiss shall be filed and served.
- June 20, 2014 Any reply on the motion to dismiss shall be filed and served.
- June 25, 2014 The Examiner anticipates issuing an order on the motion to dismiss by this date.
- July 1, 2014 All parties shall file and serve their preliminary witness¹ and exhibit lists.
- July 9, 2014 All parties shall file their final witness¹ and exhibit lists. The parties shall also serve copies of the lists and the exhibits on the other parties.
- July 15, 2014 Hearing on the merits of the appeal at 9:00 a.m. July 16 has also been set aside on the calendar if needed for completion of the hearing.

¹Witness lists must include the names of witnesses and a brief summary of their expected testimony. If a witness will be testifying as an expert, a statement of qualifications must be included. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

Note: If the parties reach agreement on different deadlines for filing the motion to dismiss, the response to the motion, or preliminary or final witness and exhibit lists, the parties' written stipulation on the matter shall supersede the applicable provisions of this order.

The parties are reminded that Hearing Examiner Rule (HER) 2.05(a) requires that any electronically filed document more than 10 pages in length, including exhibits, must also be delivered to the Hearing Examiner in hard copy, and HER 2.05(c) prohibits the filing of more than 15 pages with the Office of Hearing Examiner by electronic facsimile without prior approval by the Examiner.

Entered this 19th day of May, 2014.


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