

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

**NEIGHBORS ENCOURAGING
REASONABLE DEVELOPMENT**

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

Hearing Examiner File:
**MUP-14-006(DR,W)
S-14-001**

Department Reference:
3013303

**ORDER ON MOTIONS
IN LIMINE AND FOR A
MORE SPECIFIC LIST
OF EXHIBITS**

The Applicant, Northlake Group, LLC, filed a motion in limine to exclude at hearing evidence and argument relating to Type I decisions and a motion for a more specific list of Appellant's exhibits filed on September 15, 2014. The Appellant filed an initial response on September 18, 2014, and a further response on September 23, 2014.

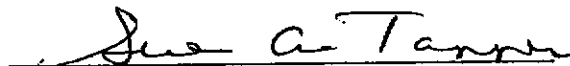
Following a conference call with the parties on July 23, 2014, the case schedule was amended in several respects. The Appellant had requested a continuance and the opportunity to brief the issue of whether the Director's decision should be remanded on procedural grounds. The Examiner did not grant the continuance, but the case schedule was revised in several respects, including establishing an accelerated briefing schedule if the Appellant decided to file a motion on the remand issue. The revision did not require that the motion be filed, and due to the impending hearing date, the Examiner indicated that the hearing would go forward whether or not the motion was filed, and the motion would be addressed as part of the decision on the appeal. In light of the fact that bringing the motion would not obviate the need for a hearing, the Appellant decided to present the remand-related issues at the hearing. This is acceptable. Any objections to matters considered outside the Examiner's jurisdiction can be raised at hearing, if necessary. The motion in limine is DENIED.

The motion for a more specific list of exhibits is GRANTED IN PART. The Appellant responded to the motion for a more specific list of exhibits with additional information about Appellant's proposed exhibits 1, 8, 20 and 23-27, listed by the Applicant as the exhibits of concern. The responses concerning exhibits 1 and 23-27, to the extent that they are part of the Department's project file, are sufficiently specific, and all parties, including the Applicant, are presumed to have copies of those documents.

The Appellant's response concerning Exhibits 8 and 20 are sufficient to inform the Applicant of the purpose of the exhibits, but if there are specific documents in these court files and project files that will be used as exhibits, they must be separately identified and a copy served on the other parties no later than 5:00 p.m. on September 24, 2014. The

Applicant and Department may file revised final witness and exhibit lists, only to respond to these documents, no later than 5:00 p.m. on September 26, 2014.

Entered this 23rd day of September, 2014.



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