

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of
AQUARIAN FOUNDATION, INC,

from a decision by the Director, Seattle
Department of Construction and Inspections

Hearing Examiner Files:
MUP-23-011

Department Reference
3038146-LU

PREHEARING ORDER

The parties appeared for a prehearing conference on November 2, 2023. Appellant Aquarian Foundation, Inc. appeared through Rev. Jann Werner. Applicant Jodi Patterson O'Hare appeared through David Carpman, McCullough Hill PLLC. The Seattle Department of Construction and Inspections ("Department") appeared through David Sachs, Sr. Land Use Planner. These deadlines were established:

1. Dispositive Pre-Hearing Motions – Filing and Service Deadlines.

- November 9, 2023 - Motions Due
- November 22, 2023 - Responses Due
- December 1, 2023 - Reply Due
- December 7, 2023 – Examiner's Order

- 2. Department Exhibit List(s).** File and serve core exhibit list(s) by December 21, 2023. Serve electronic copies of exhibits on the other parties. File with the Office of Hearing Examiner an electronic copy of the exhibits by January 30, 2024.
- 3. Appellant Witness and Exhibit Lists.** File and serve witness and exhibit lists by January 11, 2024. Serve electronic copies of exhibits on the other parties. File with the Office of Hearing Examiner an electronic copy of the exhibits by January 30, 2024.
- 4. Applicant/Department Witness and Exhibit Lists.** File and serve witness and exhibit lists by January 23, 2024. Serve electronic copies of exhibits on the other parties. File with the Office of Hearing Examiner an electronic copy of the exhibits by January 30, 2024.
- 5. Rebuttal Witness and Exhibit Lists.** File and serve rebuttal witness and exhibit lists by January 30, 2024. Serve electronic copies of exhibits on the other parties. File with the Office of Hearing Examiner an electronic copy of the exhibits by January 30, 2024.
- 6. Discovery Deadline.** The discovery cut-off is December 21, 2023. Discovery must be served and/or scheduled so responses can meet this deadline.

7. **Office Filings.** Exhibit and witness lists are filed with the Office of Hearing Examiner using the e-file system. Electronic copies of exhibits must be filed with the Office of Hearing Examiner by email at: Hearing.Examiner@seattle.gov. Electronic copies of exhibits must be labeled numerically in the order identified in the exhibit list and saved as a Word or .pdf document with a short descriptive title.
8. **Witness Lists and Exhibits, Generally.** Witness lists must include witness names, a summary of expected testimony, and a time estimate for direct examination. For expert witnesses, a statement of qualifications must be included. Excepting impeachment, only listed witnesses and exhibits may be offered at the hearing.
9. **Service.** The parties agreed to electronic service.
10. **Time Deadlines.** Unless otherwise stated, 5:00 PM.
11. **Settlement.** Should the appeal be resolved, the Appellant's written communication to the Office of Hearing Examiner withdrawing the appeal is sufficient for the Examiner to issue an order of dismissal.
12. **Hearing.** The hearing will commence on **February 6, 2024**, beginning at **9:00 AM**, at the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40th Floor) Seattle, Washington. The parties and their witnesses may appear in person or remotely, at their election. If appearing in person, the parties must coordinate in advance with the Office of Hearing Examiner. For those appearing remotely, sign-in instructions will be provided and the Clerk will require zoom test runs before the hearing. A second hearing day of **February 7, 2024**, also beginning at 9:00 AM, is reserved.

Information about appeal hearings, including the *Hearing Examiner Rules of Practice and Procedure*, and a *Public Guide to Appeals and Hearings Before the Hearing Examiner*, is available on the Hearing Examiner's website, www.seattle.gov/examiner.

Entered November 2, 2023.



Susan Drummond, Deputy Hearing Examiner

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the date below I sent true and correct copies of the attached **PREHEARING ORDER** to each person below in **Aquarian Foundation, Inc.**, Hearing Examiner File **MUP-23-011** in the manner indicated.

Party	Method of Service
Appellant and Authorized Representative Reverend Jann Werner Aquarian Foundation, Inc info@aquarianfoundation.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Applicant Legal Counsel McCullough Hill PLLC Jessica Clawson jessica@mhseattle.com David P. Carpman dcarpman@mhseattle.com Isaac A. Patterson ipatterson@mhseattle.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department David Sachs SDCI david.sachs@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: November 2, 2023

/s/ Angela Oberhansly
 Angela Oberhansly
 Legal Assistant