

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of
SEATTLE PARKS AND RECREATION,

from a denial of a Certificate of Approval by
the Pike Place Market Historical Commission

Hearing Examiner Files:
R-24-001

PREHEARING ORDER

The parties appeared for a prehearing conference on March 5, 2024. Appellant Seattle Parks and Recreation appeared through Maxwell Burke. Pike Place Market Historical Commission appeared through Daniel Mitchell. Intervenor Friends of the Market appeared through Margaret Pihl. These deadlines were agreed upon:

1. **Dispositive Motion.** Friends had previously filed a motion to dismiss. The Commission agreed with the dismissal request but did not take a position on all aspects of the motion. Due to leaves of absence, Parks and Recreation, in addition to its e-mail response, was afforded further time to file a reply.
 - March 12, 2024 – Response (Parks and Recreation)
 - March 22, 2024 – Reply (Commission and Friends)
 - March 28, 2024 – Examiner’s Order
2. **Commission Record (Including Transcript, if any Party Requests).** File and serve by April 19, 2024. File exhibits with the Office of Hearing Examiner via e-mail by May 24, 2024.
3. **Appellant Witness and Exhibit Lists, with Exhibits.** File and serve witness and exhibit lists by May 3, 2024. Serve electronic copies of exhibits on the other parties. File exhibits with the Office of Hearing Examiner via e-mail by May 24, 2024.
4. **Commission/Intervenor Witness and Exhibit Lists.** File and serve witness and exhibit lists by May 17, 2024. Serve electronic copies of exhibits on the other parties. File exhibits with the Office of Hearing Examiner via e-mail by May 24, 2024.
5. **Rebuttal Witness and Exhibit Lists.** File and serve rebuttal witness and exhibit lists by May 24, 2024. Serve electronic copies of exhibits on the other parties. File exhibits with the Office of Hearing Examiner via e-mail by May 24, 2024.

6. **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.
7. **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.
8. **Service.** The parties agreed to electronic service.
9. **Time Deadlines.** Unless otherwise stated, 5:00 PM.
10. **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.
11. **Hearing.** The hearing will commence on **June 5, 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 should 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 **June 6, 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 March 6, 2024



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 **Seattle Parks and Recreation**, Hearing Examiner File **R-24-001** in the manner indicated.

Party	Method of Service
Respondent Legal Counsel Pike Place Market Historical Commission City Attorney's Office Daniel Mitchell daniel.mitchell@seattle.gov Commission Liaison, Department of Neighborhoods: <ul style="list-style-type: none"> • Minh Chau Le, minhchau.le@seattle.gov • Department: Sarah Sodt sarah.sodt@seattle.gov 	<input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Appellant Legal Counsel Seattle Parks and Recreation City Attorney's Office Maxwell Burke maxwell.burke@seattle.gov Parks Department: <ul style="list-style-type: none"> • David Graves david.graves@seattle.gov 	<input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Friends of the Market, Intervenor Margaret Pihl margaretpihl1@gmail.com	<input type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: March 6, 2024

/s/ Angela Oberhansly
Angela Oberhansly
Legal Assistant