

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeals of

S-15-001 and S-15-002

FOSS MARITIME and PORT OF SEATTLE

From an interpretation by the Director,
Department of Planning and Development

Director's Interpretation:
15-001

ORDER

A prehearing conference was held on this matter on June 3, 2015. Represented at the conference were the Appellants, Foss Maritime, by John McCullough and David West, and the Port of Seattle, by Patrick Schneider and Traci Goodwin. The Director, Department of Planning and Development, was represented by Eleanor Baxendale and Andrew McKim. Also in attendance were Kristen Boyles and Matthew Baca, and Joshua Brower, representing other organizations who seek to intervene in this matter. As noted at the conference, the motions for intervention will be addressed by separate orders.

The hearing is currently scheduled for July 23 and 24, 2015. The following prehearing schedule was discussed and is hereby ordered:

June 15, 2015:	Dispositive motions to be filed and served
June 25, 2015:	Responses to motions to be filed and served
July 2, 2015:	Replies to be filed and served
July 6, 2015:	Appellants' lists of witnesses and exhibits to be filed and served
July 13, 2015:	Respondents' lists of witnesses and exhibits to be filed and served
July 21, 2015	Prehearing briefs to be filed and served
July 23-24, 2015:	Hearing

As noted at the conference, Foss Maritime seeks discovery and has filed requests with DPD for certain information. DPD intends to file a motion in limine that may affect the issues on appeal and whether discovery pertaining to those issues is warranted. The schedule may be adjusted on motion of the parties if more time is needed on account of discovery-related issues.

Witness lists shall include the name of each witness who will be testifying at hearing, noting the subject matter and expected duration of each witness's testimony, and whether the witness will be testifying as an expert. Except for purposes of impeachment, only testimony from witnesses identified on the lists, and exhibits identified in the lists, may be offered at hearing.

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All representatives have agreed to be served by email. In order to set up an account to file documents electronically with the Hearing Examiner, please contact our office at (206) 684-0521. Hearing Examiner Rule 2.05(a) requires that, unless otherwise provided by the Examiner, if a party electronically files a document exceeding 10 pages in length, a hard copy shall also be provided to the Hearing Examiner. Also, HER 2.05(a) prohibits electronic facsimile of more than 15 pages with the Hearing Examiner unless prior approval is granted by the Hearing Examiner.

Entered this 3rd day of June, 2015.



Anne Watanabe
Deputy Hearing Examiner
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CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached PREHEARING ORDER to each person listed below, or on the attached mailing list, in the matter of FOSS MARITIME AND PORT OF SEATTLE, HEARING EXAMINER File S-15-001 AND -002, in the manner indicated.

Party	Method of Service
<p><u>Appellant Legal Counsel</u> John C. McCullough McCullough Hill Leary <u>jack@mhseattle.com</u></p> <p>David R. West Garvey Shubert Barer <u>drwest@gsblaw.com</u></p> <p>Traci Goodwin Port of Seattle <u>goodwin.t@portseattle.org</u></p> <p>Patrick Schneider Foster Pepper <u>schnp@foster.com</u></p> <p>Laura Counley <u>laura@mhseattle.com</u></p>	<p><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</p>
<p><u>Department</u> Eleanor Baxendale <u>eleanor.baxendale@seattle.gov</u></p> <p>Andy McKim <u>andy.mckim@seattle.gov</u></p> <p>Rose Hailey <u>rose.hailey@seattle.gov</u></p>	<p><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</p>

<p>Trudy Jaynes <u>trudy.jaynes@seattle.gov</u></p>	
<p>Others Joshua Brower Veris Law Group <u>josh@verislawgroup.com</u></p> <p>Patti Goldman Earthjustice <u>pgoldman@earthjustice.org</u></p> <p>Matthew Baca Earthjustice <u>mbaca@earthjustice.org</u></p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid</p> <p><input type="checkbox"/> Inter-office Mail</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Fax</p> <p><input type="checkbox"/> Hand Delivery</p> <p><input type="checkbox"/> Legal Messenger</p>

Dated: June 3, 2015

Patricia Cole

Name: Patricia A. Cole
Title: Executive Assistant