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7 BEFORE THE HEARING EXAMINER  
8 CITY OF SEATTLE

9 In the matter of the Appeal of:

10 WASHINGTON COMMUNITY ACTION  
11 NETWORK, et al.

12 Of a decision by the Director of the  
13 Department of Planning and Development

File No. MUP 15-010

DPD # 3012953

**NOTICE OF DEPOSITION AND  
SUBPOENA DUCES TECUM  
(DR. SHARON SUTTON)**

14 TO: Dr. Sharon Sutton

15 AND TO: Claudia M. Newman, Bricklin & Newman, LLP

16 AND TO: Citizens Advisory Committee, Patrick Angus, et al., c/o Dean Paton  
17 Cherry Hill Community Council, c/o Mary Pat Dileva  
18 Squire Park Community Council, c/o Bill Zosel  
19 19<sup>th</sup> Avenue Block Watch, c/o Vicky Schiantarelli  
20 Concerned Neighbors of Swedish Cherry Hill, c/o Troy Meyers  
21 Sabey Corporation, c/o Jack. McCullough, Courtney A. Kaylor and Katie Kendall,  
22 McCullough Hill Leary P.S.  
23 Department of Planning and Development, c/o Stephanie Haines

24 You and each of you will please take notice that the deposition of Dr. Sharon Sutton will  
25 be taken upon oral examination on **July 8, 2015 at 1:30 p.m.** at the law offices of Foster Pepper  
26 PLLC, 1111 Third Avenue, Suite 3400, Seattle, Washington 98101, and will be recorded by a  
licensed and qualified court reporter. The deposition will continue from hour-to-hour and day-  
to-day until completed, and is being taken on the ground and for the reason the said witness is an

NOTICE OF DEPOSITION AND SUBPOENA DUCES  
TECUM (DR. SHARON SUTTON) - 1

**FOSTER PEPPER PLLC**  
1111 THIRD AVENUE, SUITE 3400  
SEATTLE, WASHINGTON 98101-3299  
PHONE (206) 447-4400 FAX (206) 447-9700

1 expert identified by Washington Community Action Network, appellant in the Swedish Cherry  
2 Hill hearing.

3 At the deposition, Sharon Sutton is hereby commanded to produce and permit inspection  
4 and copying of the following documents or tangible things at the offices of Foster Pepper: any  
5 and all documents that Sharon Sutton reviewed to inform her opinion in the above-referenced  
6 matter. Dr. Sutton need not supply copies of the proposed Major Institution Master Plan, the  
7 Final Environmental Impact Statement, the Report and Recommendation of the Director, or the  
8 Citizens' Advisory Committee Report.

9 The term "Document" or "Documents" means any matter of any kind on any medium,  
10 whether printed, typed, handwritten, recorded, filmed, taped, stored in a computer  
11 memory or on disk, or produced or reproduced by any other means, and all reproductions  
12 thereof, and all information necessary to understand and use such materials. If a  
13 document has been prepared and several copies or additional copies have been made, and  
14 the copies are not identical, each non-identical copy is a separate "document". The term  
15 "document" includes, but is not limited to, the following: agreements, contracts,  
16 correspondence, letters, telegrams, wires, cables, reports, drawings, maps, blueprints,  
17 sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check  
18 stubs, notes, estimates, summaries, desk calendars, work papers, business forms, studies,  
19 appointment books, timesheets, logs, inventories, printouts, computer, tapes, recordings,  
20 minutes of meetings and memoranda, including inter-corporate, intra-corporate,  
21 interoffice, and intra-office memoranda and memoranda regarding conferences,  
22 conversations or telephone conversations, and any and all other written, printed, typed,  
23 punched or recorded matter of whatsoever kind or description, including drafts of any of  
24 the foregoing.

1 CR 45, Sections (c) & (d):

2 **(c) Protection of Persons Subject to Subpoenas.**

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall  
4 take reasonable steps to avoid imposing undue burden or expense on a person subject to  
5 that subpoena. The court shall enforce this duty and impose upon the party or attorney in  
6 breach of this duty an appropriate sanction, which may include, but is not limited to, lost  
7 earnings and a reasonable attorney's fee.

8 (2)(A) A person commanded to produce and permit inspection and copying of designated  
9 books, papers, documents or tangible things, or inspection of premises need not appear in  
10 person at the place of production or inspection unless commanded to appear for  
11 deposition, hearing or trial.

12 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit  
13 inspection and copying may, within 14 days after service of subpoena or before the time  
14 specified for compliance if such time is less than 14 days after service, serve upon the  
15 party or attorney designated in the subpoena written objection to inspection or copying of  
16 any or all of the designated materials or of the premises. If objection is made, the party  
17 serving the subpoena shall not be entitled to inspect and copy the materials or inspect the  
18 premises except pursuant to an order of the court by which the subpoena was issued. If  
19 objection has been made, the party serving the subpoena may, upon notice to the person  
20 commanded to produce and all other parties, move at any time for an order to compel the  
21 production. Such an order to compel production shall protect any person who is not a  
22 party or an officer of a party from significant expense resulting from the inspection and  
23 copying commanded.

24 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or  
25 modify the subpoena if it:

26 (i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or  
waiver applies; or

(iv) subjects a person to undue burden, provided that, the court may condition  
denial of the motion upon a requirement that the subpoenaing party advance the  
reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research,  
development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not  
describing specific events or occurrences in dispute and resulting from the expert's study  
made not at the request of any party, the court may, to protect a person subject to or  
affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf  
the subpoena is issued shows a substantial need for the testimony or material that cannot  
be otherwise met without undue hardship and assures that the person to whom the  
subpoena is addressed will be reasonably compensated, the court may order appearance  
or production only upon specified conditions.

1 **(d) Duties in Responding to Subpoena.**

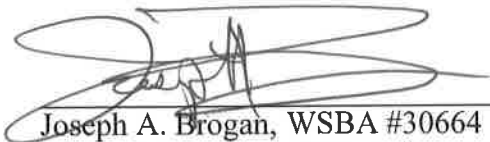
2 (1) A person responding to a subpoena to produce documents shall produce them as  
3 they are kept in the usual course of business or shall organize and label them to  
4 correspond with the categories in the demand.

5 (2)(A) When information subject to a subpoena is withheld on a claim that it is privileged  
6 or subject to protection as trial preparation materials, the claim shall be made expressly  
7 and shall be supported by a description of the nature of the documents, communications,  
8 or things not produced that is sufficient to enable the demanding party to contest the  
9 claim.

10 (B) If information produced in response to a subpoena is subject to a claim of privilege or  
11 of protection as trial-preparation material, the person making the claim may notify any  
12 party that received the information of the claim and the basis for it. After being notified, a  
13 party must promptly return, sequester, or destroy the specified information and any  
14 copies it has; must not use or disclose the information until the claim is resolved; must  
15 take reasonable steps to retrieve the information if the party disclosed it before being  
16 notified; and may promptly present the information in camera to the court for a  
17 determination of the claim. The person responding to the subpoena must preserve the  
18 information until the claim is resolved.

19 DATED this 26<sup>th</sup> day of June, 2015.

20 FOSTER PEPPER PLLC

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22 Joseph A. Brogan, WSBA #30664  
23 Steven J. Gillespie, WSBA #39538  
24 Attorneys for Swedish Medical Center  
25 Cherry Hill  
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