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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of

FOSS MARITIME COMPANY

From an Interpretation by the Director,
Department of Planning & Development.

Hearing Examiner Files: S-15-001 & S-15-002
Department Reference: 3020324

DECLARATION OF DAVID R. WEST IN
SUPPORT OF FOSS MARITIME'S MOTION
FOR CONTINUANCE OF HEARING DATE

In the Matter of the Appeal of

PORT OF SEATTLE

From an Interpretation by the Director,
Department of Planning & Development.

David R. West hereby declares as follows:

1. I am counsel for appellant Foss Maritime Company in this matter. I am over the age of 18 years, have personal knowledge of the information contained in this declaration and am competent to testify thereto if called as a witness.

2. On May 15, 2015, my office served (via email) Public Records Act requests on the City of Seattle Mayor's Office; on the City of Seattle Department of Planning & Development ("DPD"); and on the City of Seattle's City Council. Each of these requests pertained to Terminal 5 and the City's Interpretation at issue in this appeal.

1 3. The City Council has not yet produced any documents in response to the PRA
2 requests. Its last communication to us indicated that such documents would be made available
3 by July 10, 2015.

4 4. The Mayor's Office produced documents and a privilege log in response to the
5 PRA requests on or about June 23, 2015.


6 5. DPD produced documents and a privilege log in response to the PRA requests on
7 or about June 15, 2015. DPD described this as a partial response. DPD made another
8 production on June 16, 2015. DPD has not clarified whether its PRA responses and production
9 is complete.

10 6. On June 2, 2015, at 5:30 p.m., my office served (via email) written discovery on
11 DPD consisting of five interrogatories and five requests for production of documents.
12 Responses to that discovery are due on Monday, July 6, 2015, and have not been provided to us.
13 Correspondence from counsel for DPD yesterday indicates that some part of any response may
14 be delayed until July 7, 2015.

15 7. On June 12, 2015, Foss served DPD with notices of deposition for DPD
16 employees Ben Perkowski (noticed for June 30, 2015) and Andy McKim (noticed for July 7,
17 2015).

18 I declare under penalty of perjury under the laws of the State of Washington that the
19 foregoing is true and correct.

20 EXECUTED this 2nd day of July, 2015 in Seattle, Washington.

21
22 

23
24 _____
25 David R. West