

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

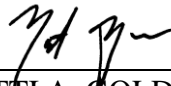
In the Matter of the Appeal of:)	Hearing Examiner File No. S-15-001
)	(DPD Project No. 3020324)
FOSS MARITIME COMPANY)	
)	
from an Interpretation by the Director, Department)	
of Planning and Development.)	
)	
)	
)	Hearing Examiner File No. S-15-002
In the Matter of the Appeal of the:)	(DPD Project No. 3020324)
)	
PORT OF SEATTLE,)	
)	
from Interpretation No. 15-001 of the Director of)	RESPONSE TO ORDER
the Department of Planning and Development.)	FOR CONTINUANCE
)	

On July 6, 2015, the Hearing Examiner granted Foss Maritime Company’s motion to continue the hearing in this matter. The hearing is now set for August 13-14, 2015.

In the Hearing Examiner’s order on intervention for Soundkeeper *et al.* (“Soundkeeper”), the Hearing Examiner did not limit Soundkeeper’s participation at the hearing, finding that Soundkeeper has a “substantial interest that is not otherwise adequately represented.” Soundkeeper Intervention Order at 2. As counsel for Soundkeeper indicated to counsel for Foss, Soundkeeper’s lead witness is on vacation and unreachable through July 13, 2015. For that

1 reason, counsel for Soundkeeper cannot yet determine whether Soundkeeper's lead witness will
2 be available for the new hearing dates. As soon as possible during the week of July 13,
3 Soundkeeper will advise the Hearing Examiner and parties if Soundkeeper's lead witness is not
4 available for the August 13-14, 2015 hearing date, along with the dates proposed by the City (the
5 weeks of August 24 and August 30); however, Soundkeeper's second witness is not available the
6 week of August 30.¹ If Soundkeeper's lead witness is not available for the August 13-14 hearing
7 date, Soundkeeper will work with the other parties and seek a further continuance.

8 Respectfully submitted this 6th day of July, 2015.

9
10 

11 PATTI A. GOLDMAN, WSBA No. 24426
12 MATTHEW R. BACA, WSBA No. 45676
13 KRISTEN L. BOYLES, WSBA No. 23806
14 Earthjustice
15 705 Second Avenue, Suite 203
16 Seattle, WA 98104-1711
17 (206) 343-7340 | Phone
18 (206) 343-1526 | Fax
19 pgoldman@earthjustice.org
20 mbaca@earthjustice.org
21 kboyles@earthjustice.org

22 *Attorneys for Proposed Intervenors Puget*
23 *Soundkeeper Alliance, Seattle Audubon*
24 *Society, Sierra Club and Washington*
25 *Environmental Council*

26 _____
¹As Soundkeeper previously indicated, it intends to present testimony on activities at Terminal 5 and impacts to public navigation and Soundkeeper's monitoring program. Initially, Soundkeeper anticipated calling one witness for that purpose; however, it now appears Soundkeeper will need to call two witnesses—one to testify to land-based monitoring and one to testify to water-based monitoring. Soundkeeper anticipates under two hours of testimony total from its witnesses and likely less time than that.

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the state of Washington. I am over 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203; Seattle, Washington 98104-1711.

I HEREBY CERTIFY that on July 6, 2015, I served the following document(s) on the parties listed below:

- 1. Response to Order for Continuance.

John C. McCullough
McCullough Hill Leary, PS
701 – 5th Avenue, Suite 6600
Seattle, WA 98104
(206) 812-3388 | Phone
(206) 812-3389 | Fax
jack@mhseattle.com
Attorney for Appellant Foss Maritime Company

- via legal messenger
via overnight mail
via first-class U.S. mail
via hand delivery
via Hearing Examiner
E-File System
via e-mail

David R. West
Donald B. Scaramastra
Daniel J. Vecchio
Garvey Schubert Barer
1191 Second Avenue, 18th Floor
Seattle, WA 98101-2939
(206) 464-3939 | Phone
(206) 464-0125 | Fax
drwest@gsblaw.com
dscar@gsblaw.com
dvecchio@gsblaw.com
Attorneys for Appellant Foss Maritime Company

- via legal messenger
via overnight mail
via first-class U.S. mail
via hand delivery
via Hearing Examiner
E-File System
via e-mail

Eleanore S. Baxendale
Assistant City Attorney
Seattle City Attorney’s Office
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8232 | Phone
(206) 684-8284 | Fax
eleanore.baxendale@seattle.gov
Attorney for Respondent Department of Planning and Development

- via legal messenger
via overnight mail
via first-class U.S. mail
via hand delivery
via Hearing Examiner
E-File System
via e-mail

1 Traci Goodwin
2 Senior Port Counsel
3 Port of Seattle
4 P.O. Box 1209
5 Seattle, WA 98111
(206) 787-3702 | Phone
(206) 787-3205 | Fax
goodwin.t@portseattle.org
Attorney for Appellant Port of Seattle

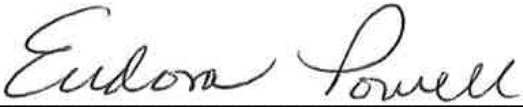
- via legal messenger
- via overnight mail
- via first-class U.S. mail
- via hand delivery
- via Hearing Examiner
- E-File System
- via e-mail

6 Patrick J. Schneider
7 Foster Pepper PLLC
8 1111 Third Avenue, Suite 3400
9 Seattle, WA 98101-3299
(206) 447-4400 | Phone
(206) 447-9700 | Fax
schnp@foster.com
Attorney for Appellant Port of Seattle

- via legal messenger
- via overnight mail
- via first-class U.S. mail
- via hand delivery
- via Hearing Examiner
- E-File System
- via e-mail

11 I, Eudora Powell, declare under penalty of perjury under the laws of the state of
12 Washington that the foregoing is true and correct.

13 Executed this 6th day of July, 2015, at Seattle, Washington.

14 
15 _____
16 EUDORA POWELL