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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 Department
13 of Planning and Development

File No. MUP 15-010-MUP 15-015

DPD # 3012953

**DECLARATION OF STEVEN J.
GILLESPIE IN OPPOSITION TO THE
19TH AVENUE BLOCK WATCH
MOTION TO EXCLUDE**

14 I, Steven J. Gillespie, do hereby declare and affirm as follows::

15 1. I am over the age of eighteen and am competent to testify in this matter.

16 2. I am an attorney with the law firm of Foster Pepper PLLC and am one of the
17 attorneys representing Swedish Medical Center Cherry Hill in the above-entitled action.

18 3. Neither I, nor any other attorney at Foster Pepper, received an e-mail or any other
19 service of the Motion to Exclude apparently filed by Appellant 19th Avenue Block Watch on
20 Thursday, July 2, 2015.

21 4. I did receive electronic service of 19th Avenue Block Watch's Amended Motion
22 to Exclude on Monday July 6, 2015.

23 5. Foster Pepper first learned of the original Motion to Exclude on Tuesday, July 7,
24 2015, when I reviewed the Hearing Examiner's order on the Respondents' Joint Motion to
25 Exclude, in which the Examiner referred to the filing date of the original motion.
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DECLARATION OF STEVEN J. GILLESPIE - 1

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6. I confirmed with my fellow Foster Pepper attorneys assigned to this case, Joe Brogan and Celia Blewett, that none of us had received service of the original motion.

7. I then contacted co-counsel from the McCullough Hill Leary firm, as well as Stephanie Haines at the Department of Planning and Development. They confirmed that they had received service of the motion by e-mail on July 2, 2015. Ms. Haines forwarded a copy of the e-mail to me.

8. Attached as Exhibit A is a true and correct copy of the e-mail provided me by Stephanie Haines, which appears to be the e-mail through which 19th Avenue Block Watch served the other parties in this matter. No attorneys for Swedish appear in the "To" line.

9. The failure of service of process prejudices Swedish's ability to respond. Swedish did not receive actual notice of the motion until three days prior to the due date for responses, four business days prior to the start of the hearing in this matter.

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

Signed this 10th day of July, 2015 at Seattle, Washington.

FOSTER PEPPER PLLC

Steven J. Gillespie, WSBA No. 39538
Attorneys for Respondent Swedish
Medical Centers

DECLARATION OF STEVEN J. GILLESPIE - 2

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EXHIBIT A

Steve Gillespie

From: Vicky Matsui <vickymatsui@hotmail.com>
Sent: Thursday, July 02, 2015 6:39 PM
To: Laura Counley; newman@bnd-law.com; Haines, Stephanie; troy.meyers@cnsch.org; dgpaton@me.com; William Zosel; catlady1@q.com; Courtney Kaylor; McCullough, Jack; Katie Kendall
Subject: RE: WA Community Action Network., No. MUP 15-010
Attachments: APPELLANT MOTION TO DISMISS EXPERT.pdf

Hello everyone,

Please find attached 19th Ave Block Watch's Motion to Dismiss Applicants' Expert Testimony.

Thanks,

Vicky Schiantarelli

From: lcounley@mhseattle.com
To: newman@bnd-law.com; stephanie.haines@seattle.gov; troy.meyers@cnsch.org; dgpaton@me.com; bill.zosel@gmail.com; catlady1@q.com; vickymatsui@hotmail.com
CC: courtney@mhseattle.com; kkendall@mhseattle.com; jack@mhseattle.com
Subject: WA Community Action Network., No. MUP 15-010
Date: Mon, 29 Jun 2015 23:21:22 +0000

Ladies and gentlemen,

Attached, please find the following documents filed with the Hearing Examiner's office this afternoon:

1. Amended Respondents Swedish Medical Center and Sabey Corporation's Witness and Exhibit List; and
2. Certificate of Service.

Respondents proposed witnesses, David Markley and David Johnson, are no longer available for the hearing, and have been removed from the list. In their place we have added John Perlic, P.E., Parametrix, Inc., to testify regarding traffic and transportation issues. Mr. Perlic's resume is forthcoming and will be provided.

Thank you for your courtesy and attention to this matter.

Laura D. Counley
Paralegal/Accounts Receivable
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Seattle, WA 98104
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