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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of  
**FOSS MARITIME COMPANY AND  
PORT OF SEATTLE**

from an interpretation  
issued by the Director,  
Department of Planning  
and Development

Hearing Examiner File Nos.  
S-15-001; S-15-002  
(Director's Interpretation: 15-001)

**FOSS MARITIME'S MOTION FOR  
LEAVE TO FILE SUPPLEMENTAL  
WITNESS AND EXHIBIT LIST**

Appellant Foss Maritime Company ("Foss") respectfully requests that the Hearing Examiner grant leave allowing Foss and Appellant Port of Seattle to file supplemental witness and exhibit lists, if necessary, on or before July 30, 2015. The deadline set by the Hearing Examiner for Appellants' witness and exhibit lists is July 21, 2015. Both Foss and the Port will file and serve timely lists. Appellant each require additional time, however, to evaluate the need to present additional evidence because discovery is on-going and has not been completed.

On June 2, 2015, Foss served interrogatories and requests for production on DPD. DPD responded to Foss's discovery on July 7, 2015. In its responses, DPD for the first time identified 69 properties in the City that are, or have been, permitted as a "cargo terminal." DPD also produced over 1,000 pages of documents, which Foss is continuing to review and analyze. These discovery responses have led to additional investigation of relevant facts by

1 Appellants, and that investigation is ongoing.

2 On May 15, 2015, Foss also propounded Public Records Act requests to the office of  
3 the Mayor, to the City Council, and to DPD, requesting materials regarding the Interpretation  
4 and its preparation. The Office of the Mayor provided its response on June 23, 2015; Foss is  
5 following up on some materials that appear to have been improperly redacted. DPD has  
6 responded but has not clarified if its response is complete. The City Council has responded in  
7 part and has stated that its response is incomplete, and that additional materials will be  
8 forthcoming on or before July 31, 2015.

9 Finally, the depositions of DPD employees Andy McKim and Ben Perkowski have been  
10 scheduled for Wednesday, July 21, 2015 and Thursday, July 22, 2015, respectively.

11 DPD's discovery responses contained heretofore withheld information which requires  
12 additional time to analyze and investigate. Appellants anticipate that further documents to be  
13 produced by City agencies in response to Foss's outstanding Public Records Act requests may  
14 be relevant, admissible, and/or may lead to other relevant, admissible evidence. Accordingly,  
15 Foss respectfully requests that Foss and the Port be permitted to supplement their respective  
16 witness and exhibit lists on or before July 30, 2015.

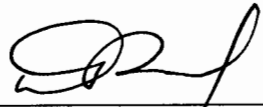
17 Nothing in this Motion is intended to preclude Appellants from naming additional  
18 witnesses or exhibits in response to the witness and exhibit list to be filed by the City of Seattle  
19 and/or the Soundkeeper Intervenors on July 28, 2015.

20 The Port of Seattle has advised Foss that it joins in this motion.


21 DATED this 21st day of July, 2015.

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**CERTIFICATE OF SERVICE**

I, Dominique Barrientes, certify under penalty of perjury under the laws of the State of Washington that on July 21, 2015, I caused to be served the foregoing document, FOSS MARITIME'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL WITNESS AND EXHIBIT LIST, on the person(s) identified below in the manner shown:

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Dated at Seattle, Washington, this 21<sup>st</sup> day of July, 2015.

  
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Dominique Barrientes, Legal Assistant

GSB:7192277.1