

Description	Minutes Day 3 Monday August 24, 2015 S-15-001 & S-15-002 Foss Maritime Company and Port of Seattle Terminal 5 Time: 9:00 AM Examiner: Anne Watanabe Assistant: Tiffany Ku Party Representatives: Foss Maritime, Appellant c/o David R. West Garvey Shubert Barer 1191 2nd Avenue, 18th Floor Seattle, WA 98101 and Jack McCullough McCullough Hill Leary, P.S. 701 Fifth Avenue, Suite 6600 Seattle, WA 98104 Port of Seattle, Appellant c/o Traci Goodwin PO Box 1209 Seattle, WA 98111 and Patrick Schneider Foster Pepper 111 Third Ave, Suite 3400 Seattle, WA 98101 Eleanore Baxendale, for DPD City Attorney's Office 701 Fifth Ave, Suite 2050 Seattle, WA 98104 Puget Soundkeeper, Intevenor c/o Patti Goldman and Matthew Baca Earthjustice 705 Second Ave, Suite 203
--------------------	---

	Seattle, WA 98104 T-5 Intevenors, Intevenor c/o Joshua Brower and Molly Barker Veris Law Group, PLLC 1809 Seventh Ave, Suite 1400 Seattle, WA 98101		
Date	8/24/2015	Location	Large Hearing Room
Time	Speaker	Note	
9:00:22 AM		Hearing continues from 8/14/15.	
9:01:55 AM		Patrick Schneider presents Port Exhibit 31, Declaration of Don Wilson verifying Port Photographs. Port Exhibits 18-20 are admitted.	
9:04:39 AM		Preliminary mattes are discussed.	
9:05:30 AM		Eleanore Baxendale objects to admission of Foss Exhibit 113, Deposition Transcript of Andy McKim.	
9:07:07 AM		Examiner will exclude Foss Exhibit 113, as it is cumulative. McKim already testified and will be called as DPD witness.	
9:09:05 AM		Jack McCullough for Foss Maritime offers Foss Exhibits 111 and 112 and they are admitted.	
9:14:29 AM		David West for Foss Maritime responds to Draft Language of Leases proposed by Patti Goldman for Puget Soundkeeper.	
9:18:31 AM		Goldman requesting Stipulation of Staff Briefing Memo from 1/7/15, Foss Exhibit 37 and DPD Exhibit 24.	
9:19:36 AM		Baxendale begins cross examination of Paul Meyer.	
9:32:17 AM		Baxendale refers to DPD Exhibit 36.	
9:47:38 AM		Baxendale refers to DPD Exhibit 11.	
9:52:24 AM		Objection by Schneider, form of the question.	
9:53:24 AM		Examiner asks Meyer for clarification.	
9:57:23 AM		Objection by McCullough, speculation of witness.	
9:57:43 AM		Objection overruled.	
10:13:29 AM		Objection by Schneider, speculation.	
10:14:12 AM		Objection sustained.	
10:15:43 AM		Baxendale refers to DPD Exhibit 23, Transcript from Port Meeting on 1/25/15.	

10:17:36 AM		Schneider objects to admission of DPD Exhibit 23, relevance.
10:18:50 AM		Baxendale responds to objection.
10:20:40 AM		David West objects as well, heresy, it is not testimony.
10:21:52 AM		Examiner will admit DPD Exhibit 23, supports Port of Seattle's stance of cargo terminal usage.
10:22:28 AM		Baxendale concludes
10:22:37 AM		15 minute break. Off the record.
10:37:30 AM		Back on the record. Patti Goldman begins cross examination of Meyer. Goldman refers to Foss Exhibits 20 and 24.
10:43:59 AM		Objection by McCullough, lack of foundation.
10:44:08 AM		McCullough expands on objection.
10:44:19 AM		Objection overruled.
10:46:58 AM		Objection by McCullough, speculation.
10:47:16 AM		Examiner asks Goldman for clarification. Goldman continues.
11:05:09 AM		Goldman refers to Soundkeeper Exhibit 12.
11:09:49 AM		Goldman refers to Soundkeeper Exhibit 21.
11:20:54 AM		Goldman refers to Foss Exhibit 46.
11:23:38 AM		Objection by Schneider, speculation. Goldman continues.
11:33:25 AM		Objection by Schneider, scope of relevance.
11:33:49 AM		Goldman responds to objection.
11:35:36 AM		Goldman refers Meyer to legislative findings.
11:45:16 AM		Goldman refers to Soundkeeper Exhibit 3.
11:49:46 AM		Objection by Schneider, witness did not refer notes.
11:50:39 AM		Objection sustained.
11:50:42 AM		Goldman concludes cross examination.
11:50:51 AM		McCullough begins cross examination of Meyer.
11:54:25 AM		Objection by Baxendale asked and answered.
11:54:35 AM		Objection sustained. McCullough continues, refers witness to DPD Exhibit 11.
11:57:08 AM		McCullough refers to Foss Exhibit 111.
12:00:49 PM		McCullough concludes cross examination of Meyer.
12:00:57 PM		Schneider begins redirect of Meyer.

<u>12:10:59 PM</u>		Objection by Baxendale, narrative, asked and answered.
<u>12:13:58 PM</u>		Examiner addresses Meyer.
<u>12:14:13 PM</u>		Schneider addresses Meyer.
<u>12:15:20 PM</u>		Schneider concludes redirect of Meyer.
<u>12:15:36 PM</u>		Goldman additional cross examination of Meyer.
<u>12:16:54 PM</u>		Goldman concludes.
<u>12:16:59 PM</u>		Lunch break. Return at 1:30 PM.
<u>1:30:20 PM</u>		Back on the record.
<u>1:31:32 PM</u>		Joshua Brower for T-5 Intevenors calls Vince O'Halloran of Sailor's Union of the Pacific as witness and he is sworn in.
<u>1:32:05 PM</u>		Brower begins direct examination of O'Halloran.
<u>1:53:34 PM</u>		Brower concludes direct examination. Baxendale begins cross examination of O'Halloran.
<u>1:58:44 PM</u>		Baxendale concludes cross examination.
<u>1:58:49 PM</u>		Goldman begins cross examination of O'Halloran.
<u>2:02:25 PM</u>		Goldman concludes cross examination.
<u>2:02:32 PM</u>		Examiner asks question of O'Halloran.
<u>2:04:07 PM</u>		McCullough for Foss Maritime, calls Jim Johnson of Glacier Fish Company as witness and he is sworn in.
<u>2:04:32 PM</u>		McCullough begins direct examination of Johnson.
<u>2:19:18 PM</u>		McCullough concludes direct examination.
<u>2:19:26 PM</u>		Baxendale begins cross examination of Johnson.
<u>2:22:26 PM</u>		Baxendale concludes. Matt Baca for Puget Soundkeeper begins cross examination of Johnson.
<u>2:24:18 PM</u>		Baca concludes cross examination.
<u>2:24:26 PM</u>		McCullough calls Mark Knudsen of SSA Terminals as witness and he is sworn in.
<u>2:25:12 PM</u>		McCullough begins direct examination of Knudsen.
<u>2:25:22 PM</u>		McCullough concludes direct examination. Baxendale begins cross examination of Knudsen.
<u>2:46:56 PM</u>		Schneider provides point of clarification.
<u>2:54:01 PM</u>		Baxendale concludes. Baca begins cross examination of Knudsen.
<u>3:04:30 PM</u>		Objection by McCullough mischaracterizes witness testimony.

3:04:42 PM		Objection sustained. Baca rephrases question.
3:06:37 PM		Baca concludes.
3:07:36 PM		15 minute break.
3:24:03 PM		Back on the record.
3:24:22 PM		Baxendale calls Benjamin Perkowski of DPD as witness and he is sworn in. Baxendale begins direct examination of Perkowski.
4:13:02 PM		Baxendale concludes. West begins cross examination of Perkowski.
4:16:36 PM		Objection by Baxendale asked and answered.
4:16:50 PM		Objection overruled.
4:35:15 PM		Objection by Baxendale asked and answered.
4:35:23 PM		West responds to objection.
4:35:32 PM		Objection sustained.
4:40:20 PM		West concludes cross examination. Schneider begins cross examination of Perkowski.
4:44:54 PM		Objection by Baxendale asked and answered.
4:45:03 PM		Objection overruled. Witness to answer.
4:58:51 PM		Schneider concludes direct examination.
4:59:04 PM		Baxendale begins redirect of Perkowski.
4:59:24 PM		Baxendale concludes.
4:59:49 PM		Scheduling.
5:01:24 PM		Hearing is adjourned, to continue 8/25/15.