

Paul Haury

From: Charles Burkhalter Jr <cburkhalterjr@yahoo.com>
Sent: Tuesday, September 29, 2015 5:09 PM
To: Paul Haury; Hearing.Examiner@seattle.gov
Cc: Ku, Tiffany; Jessica Clawson; Laura Counley; McKim, Andy; Suder, Jerry
Subject: Re: MUP-15-022 (NERD, DPD# 3014342): Schedule request

Ms. Klockars:

Following up on this request from last week for an extension by two weeks, of all dates in the Prehearing Order.

As noted below, we are attempting to fulfill our responsibilities for this hearing on the weekends and evenings, after working full-time in our professional careers.

In addition, I had surgery late last week and have been unable to work and/or attend to the submitted motions until today.

Lastly, though both the DPD and applicant did not wish to produce our August 21st request for certain documents until it was deemed absolutely necessary, we still believe those documents could be of use in analyzing our responses to the motions. We have been forced to submit a public records request on September 21st with Josy Rush, who will begin providing these requested document as they are retrieved, but doesn't believe all requested documents will be provided to us before October 20th.

For these reasons, we respectfully request all dates in the Prehearing Order be pushed back two weeks.

Sincerely,

Chuck Burkhalter
On behalf of Neighbors Encouraging Reasonable Development

From: Paul Haury <phaury@fulcrum.net>
To: "Hearing.Examiner@seattle.gov" <Hearing.Examiner@seattle.gov>
Cc: "Ku, Tiffany" <Tiffany.Ku@seattle.gov>; Paul Haury <phaury@fulcrum.net>; "cburkhalterjr@yahoo.com" <cburkhalterjr@yahoo.com>; Jessica Clawson <Jessica@mhseattle.com>; Laura Counley <lcounley@mhseattle.com>; "McKim, Andy" <Andy.McKim@seattle.gov>; "Suder, Jerry" <Jerry.Suder@seattle.gov>
Sent: Wednesday, September 23, 2015 9:11 AM
Subject: MUP-15-022 (NERD, DPD# 3014342): Schedule request

Dear Ms. Klockars,

This is to request that you modify the schedule in the Prehearing Order just received on the afternoon of September 18 so that NERD's response to dispositive motions are due October

15 rather than October 1. All subsequent scheduled dates would also be extended out for two weeks accordingly.

We ask for this because we still have not received production of documents in response to our requests (copies attached) delivered to the City and the applicant and its lawyer on August 21, 2015.

The City and the developer should not be permitted to remain idle on our requests while their motions, which some of the requested documents may concern, are essentially given expedited treatment. Meanwhile, we, the NERDS, are not lawyers and DPD staff who are paid to dedicate their time to construct arguments and review documents. We are concerned homeowners in our neighborhood with jobs and families that are pursuing this case on behalf of our neighborhood. The two week extension for a total of 3 weeks is a reasonable time frame to evaluate materials and make our motion responses response, provided we now get an expedited response with documents by the City DPD, the developer, and the developer's counsel.

This PHC notice request raises with you a concern that has now arisen since the PHC. Before the PHC occurred we received from the Hearing Examiner a notice of the PHC that included the following:

If any party has an objection to Pro Tem Hearing Examiner Margaret Klockars being assigned to this case, they are asked to notify the Office of Hearing Examiner in writing no later than September 11, 2015. Rule 2.12 of the Hearing Examiner Rules of Practice and Procedure provides that an examiner may be removed from a case for reasons of "personal bias, prejudice, financial interest, or other reason substantially affecting the examiner's objectivity".

When we received this, we did not know who you were or why this issue was being raised, as if we might have objections and the notice did not disclose anything about you. We have since learned that in addition to working as a deputy hearing examiner for the City of Seattle, you later spent years in the City Attorney's office representing and advising DPD, and we understand, that you may have possibly supervised other lawyers representing and advising DPD.

We do not understand why this was not disclosed before. Now that we are aware about these facts, and we do not mean to offend you in any way, we would like to know whether you have ever worked in an attorney-client context with the DPD representatives (Suder, McKim, etc) before our appeal, and if so, on what specifically? We would also like to know if you have ever advised or represented DPD on the Director's Rule or any of the types of issues our appeal is concerned with, and if so, we are requesting specifics of your involvement for those instances. Once we have disclosures on these areas, we may ask that a different pro tem examiner be appointed. But, we first need disclosure of the facts. Again, we do not intend insult or mean to offend you in requesting this information, we just want to ensure that there are no circumstances which could potentially influence personal bias and/or professional responsibilities which could substantially affect your objectivity in this hearing.

Sincerely,

Paul Haury

On behalf of Neighbors Encouraging Reasonable Development

www.SeattleNERD.org

206-714-6113

4115 32nd Ave SW

Seattle WA

Please see attached request for documents.

Project Nos. 3014342, 3015697, and Interpretation DPD No. 13-005

Sincerely,

Paul Haury

On behalf of Neighbors Encouraging Reasonable Development

www.SeattleNERD.org

206-714-6113

4115 32nd Ave SW

Seattle WA

From: Paul Haury

Sent: Friday, August 21, 2015 3:06 PM

To: 'inquire@janetteapd.com'

Subject: RE: REQUESTS FOR DOCUMENTS TO SEATTLE DEPARTMENT OF PLANNING AND DEVELOPMENT

Please see attached request for documents.

Project Nos. 3014342, 3015697, and Interpretation DPD No. 13-005

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