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2
3 BEFORE THE HEARING EXAMINER FOR THE CITY OF SEATTLE
4

5 In the Matter of the Appeal of)

6 **SUZANNE LASSER M.D. ET AL.**)

7 From a decision issued by the Director,)
8 Seattle Department of Construction and)
9 Inspections)

) Hearing Examiner File:
) **MUP-16-018 (DR)**

) Department Reference:
) 3020860

) **REPLY ON APPLICANT'S**
) **MOTION TO DISMISS AND**
) **REQUEST FOR IMMEDIATE**
) **DISMISSAL**
)
)
)

12 _____)
13 Epic Property Management LLC, the Applicant in the above-referenced
14 proceeding, hereby requests the immediate dismissal of Appellants' appeal based on their
15 failure to timely respond to Applicant's Motion seeking full dismissal of the appeal.

16 Pursuant to the Examiner's Prehearing Order and the Examiner's Rules of Practice
17 and Procedure ("HER"), any response to Applicant's dispositive motion was required to be
18 filed and served by 5:00 P.M. on Tuesday, October 25th. See Prehearing Order (October 4,
19 2016); HER 2.02(f), 2.05(b). Applicant has received no such response, and the Examiner's
20 staff has confirmed—as of the morning of this filing—that no response was filed with the
21 office of the Examiner. Because Appellants have waived any further objection to the
22 Decision by failing to timely respond to the substance of Applicant's motion, dismissal is
23 appropriate at this time. See, e.g., *In re Alliance for Livable Denny Triangle*, HE File No.

1 MUP-14-016, Findings and Decision (July 14, 2015) at Conc. No. 24 (failure to present
2 evidence on claims constitutes waiver). Further, because the Department has not objected
3 to Applicant's motion to dismiss, there is no need to wait for the scheduled reply or
4 decision dates that were initially established for dispositive motions in the Prehearing
5 Order.

6 The Applicant thus respectfully urges the Examiner to dismiss the above-referenced
7 appeal in its entirety without further delay, so that they may proceed with their
8 development plans for the Property.

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10 RESPECTFULLY SUBMITTED this 26th day of October, 2016.

11 Davis Wright Tremaine LLP
12 Attorneys for Epic Property Management LLC,
a Washington limited liability company

13
14 By 

15 Clayton P. Graham
16 WSBA #38266
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DECLARATION OF SERVICE

I, Donna S. Spaulding, hereby certify and declare under penalty of perjury under the laws of the State of Washington, that on the date noted below, I served or caused to be served a true and correct copy of the foregoing document in the manner noted below on the following parties:

By Email and Facsimile to:

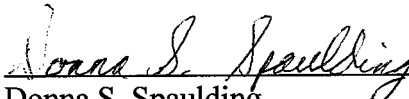
Office of the Hearing Examiner
Fax#: (206) 684-0536
Tiffany.Ku@seattle.gov; and

by Email (per 10/4/16 agreement among the parties) to:

Dr. Suzanne Lasser
at: suzlasser@hotmail.com; and

Beth Hartwick, SDCI
at: Beth.Hartwick@seattle.gov

EXECUTED this 26th day of October, 2016, at Seattle, Washington.



Donna S. Spaulding