

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of

**EPIC ET AL.**

from a decision by the Director,  
Department of Construction and  
Inspections, on a Master Use Permit

Hearing Examiner File:

**MUP-17-001  
(W, MOD.STDS.)**

Department Reference  
3020845

**PREHEARING ORDER**

A telephonic prehearing conference was held in this appeal on January 26, 2017. The Appellant, EPIC, et al., was represented by Knoll Lowney and Katherine Brennan, attorneys-at-law. The Applicant, Patrick Donnelly, was represented by Courtney A. Kaylor, attorney-at-law. The Director of the Department of Construction and Inspections was represented by Elizabeth E. Anderson, attorney-at-law. The property owner, King County, was represented by Cristy Craig, Senior Deputy Prosecuting Attorney.

At the prehearing conference, the parties discussed the Applicant's motion for clarification of the issues, which was granted; the parties' anticipated prehearing motions; discovery; and a schedule for the case. The case schedule for this appeal is as follows:

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|-------------------|--|
| February 2, 2017  | Deadline for filing and serving Appellants' clarification of the appeal issues in response to the Applicant's motion for clarification |
| February 3, 2017  | Deadline for filing and serving the Respondents' dispositive motions   |
| February 13, 2017 | Deadline for filing and serving the Appellants' responses to the Respondents' dispositive motions                                      |
| February 17, 2017 | Deadline for filing and serving the Respondents' replies to dispositive motion responses   |
| March 1, 2017     | Estimated date for the Hearing Examiner's decision on the Respondents' dispositive motions   |
| April 10, 2017    | Deadline for filing and serving the Appellants' dispositive motion   |
| April 21, 2017    | Deadline for filing and serving the Respondents' responses to the Appellants' dispositive motion                                       |


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|---------------------------|--|
| April 28, 2017            | Deadline for filing and serving the Appellants' reply to dispositive motion responses  |
| May 10, 2017              | Estimated date for the Hearing Examiner's decision on the Appellants' dispositive motions  |
| May 17, 2017              | Deadline for filing and serving the Appellants' witness <sup>1</sup> and exhibit lists and serving a copy of each listed exhibit on the Respondents  |
| May 24, 2017              | Deadline for filing and serving the Respondents' witness <sup>1</sup> and exhibit lists and serving a copy of each listed exhibit on the Appellants  |
| May 30, 2017 <sup>2</sup> | Deadline for the filing and serving the Appellants' witness <sup>1</sup> and exhibit lists in reply to the Respondents' lists and serving a copy of any additional exhibits on the Respondents |
| June 12, 2017             | Hearing on the merits of the appeal at 9:00 a.m. <u>June 13 through June 16, 2017</u> have also been set aside on the calendar for completion of the hearing, if needed.                       |

<sup>1</sup>Witness lists must include the names of witnesses, a brief summary of their expected testimony, and the approximate amount of time required for their testimony. If a witness will be testifying as an expert, a statement of qualifications must be included. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

<sup>2</sup>This date was originally May 29, 2017, but that date is Memorial Day.

The parties are reminded that Hearing Examiner Rule (HER) 2.05(a) requires that any electronically filed document more than 10 pages in length, including exhibits, must also be delivered to the Hearing Examiner in hard copy, and that HER 2.05(c) prohibits the filing of more than 15 pages with the Office of Hearing Examiner by electronic facsimile.

Entered this 26<sup>th</sup> day of January, 2017.

  
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