

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the

**LIVEABLE PHINNEY, a WASHINGTON
NON-PROFIT CORPORATION, et. al.,**

Hearing Examiner File:
MUP-17-009 (DR, W)

from a decision issued by the Director, Seattle
Department of Construction and Inspections.

**AMENDED
PREHEARING
ORDER**

On February 23, 2017, a prehearing conference was held regarding this matter. Represented at the conference were the Appellants, Liveable Phinney et. al. ("Appellants"), by Jeffrey M. Eustis, attorney-at-law. The Applicant, Jay Jannette for Johnson Carr, LLC ("Applicant"), was represented by Jessica M. Clawson, attorney-at-law, and Katie Kendall, attorney-at-law. The City of Seattle ("City"), was represented by Patrick Downs, attorney-at-law.

During the prehearing conference the parties discussed a hearing schedule, briefing schedule for pre-hearing motions, identified a schedule for final witness and exhibit lists and exchange of exhibits, and discussed clarification of appeal issues. The following matters were discussed and resolved:

1. The parties are engaging in prehearing discovery on their own initiative, and will notify the Hearing Examiner only if necessary.
2. The parties agreed to electronic service of materials.
3. The Applicant and City anticipate filing a pre-hearing motion. The Applicant and City shall file with the Office of Hearing Examiner, and serve a copy on the other parties, their motion, no later than 5:00 PM on March 17, 2017.
4. The Appellants shall file and serve their response to the motion, no later than 5:00 PM on April 6, 2017.
5. The Applicant and City shall file and serve their reply, no later than 5:00 PM on April 14, 2017.
6. The parties shall file and serve their final witness lists¹ and final exhibit lists, no later than 5:00 PM on April 25, 2017.

¹ Witness lists must include the names of witnesses and a brief summary of their expected 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.

7. Each party shall serve the other party a copy of each of the exhibits listed on their respective exhibit lists, no later than 5:00 PM on April 25, 2017. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy. Parties are not required to provide copies of an exhibit to another party if the other party is known to possess a copy of the exhibit.)

The hearing in this matter is scheduled to be held on **May 2, 2017**, beginning at 9 a.m. in the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40th Floor) Seattle, Washington. In addition to this initial hearing date, **May 3 and 4** have been reserved on the hearing calendar for continuation of the hearing.

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 HER 2.05(c) prohibits the filing of more than 15 pages with the Office of Hearing Examiner by electronic facsimile.

Entered this 14th day of March, 2017



Ryan Vancil, Deputy Hearing Examiner
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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Amended Prehearing Order** to each person listed below, or on the attached mailing list, in the matter of **Livable Phinney**. Hearing Examiner File: **MUP-17-009 (DR, W)**, in the manner indicated.

Party	Method of Service
Livable Phinney c/o Jeff Eustis Aramburu & Eustis LLP eustis@aramburu-eustis.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Applicant c/o Jessica Clawson and Katie Kendall McCullough Hill Leary, P.S. jessica@mhseattle.com kkendall@mhseattle.com Laura Counley lcounley@mhseattle.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
SDCI c/o Patrick Downs Assistant City Attorney Patrick.Downs@seattle.gov Alicia Reise Alicia.Reise@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
SCI_LUIB SCI_LUIB@seattle.gov PRC PRC@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Sue Putnam Sue.Putnam@seattle.gov	
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Dated: March 14, 2017

TE

Tiffany Ku
Legal Assistant