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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of:

Livable Phinney, a Washington non-profit
corporation

From a Department of Construction and
Inspections decision.

No. MUP 17-009 (DR, W)

SDCI Reference: 3020114

RESPONSE IN OPPOSITION TO
APPELLANT’S MOTION FOR LEAVE TO
REPLY

The applicant Johnson & Carr, Inc. (“Applicant”) objects to the Appellant Livable Phinney’s (“Appellant”) motion for leave to submit a reply. The Hearing Examiner’s order provided for an opportunity for the Applicant and the City to respond to new information in the record. He did not provide for the opportunity for Appellant to reply. The Applicant and the City of Seattle’s responses do not add new information or legal arguments to the record upon which Appellant can respond. For example, among other deficiencies, Appellant’s proposed reply attempts to call into question evidence presented at the hearing with regard to the City’s long-standing practice of utilizing schedules, which the City repeated in its Declaration of David Graves. The reply accordingly has not probative value and Applicant accordingly requests that the Hearing Examiner deny Appellant’s motion for leave to submit a reply.

1 DATED this 7th day of July, 2017.

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