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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:) Hearing Examiner File
)
THE BALLARD COALITION) W-17-004
)
of the adequacy of the Final Environmental Impact) DECLARATION OF DALE
Statement, prepared by the Seattle Department of) JOHNSON IN SUPPORT OF
Transportation for the Burke-Gilman Trail Missing) SEATTLE DEPARTMENT OF
Link Project) TRANSPORTATION'S MOTION IN
) LIMINE AND MOTION TO QUASH
) SUBPOENAS OF CERTAIN CITY
) EMPLOYEES AND CONSULTANTS

I, Dale Johnson, under oath, declare and state as follows:

1. I am over eighteen years of age, have personal knowledge of the matters herein, and am competent to testify regarding all matters set forth herein.
2. I am one of the attorneys for Respondent Seattle Department of Transportation (SDOT) in this matter.
3. At 11:34 A.M. on September 22, 2017, counsel for SDOT were served with Notices of Deposition and Subpoenas issued by Appellant Ballard Coalition directing Ben Perkowski, Jennifer Hagenow, Claire Hoffman, and Scott Kubly to appear for depositions upon oral examination in this matter.
4. Attached hereto as Exhibit A is a true and correct copy of the Notice of Deposition and Subpoena directing to Ben Perkowski requiring him to appear of deposition on October 3, 2017.

DECLARATION OF DALE JOHNSON - 1

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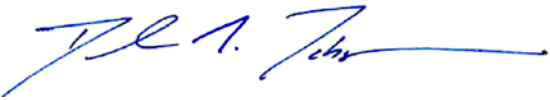
5. Attached hereto as Exhibit B is a true and correct copy of the Notice of Deposition and Subpoena directing to Jennifer Hagenow requiring her to appear of deposition on October 6, 2017.

6. Attached hereto as Exhibit C is a true and correct copy of the Notice of Deposition and Subpoena directing to Claire Hoffman requiring her to appear of deposition on October 6, 2017.

7. Attached hereto as Exhibit D is a true and correct copy of the Notice of Deposition and Subpoena directing to Scott Kubly requiring him to appear of deposition on October 3, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 22nd day of September, 2017.



Dale Johnson, Declarant

EXHIBIT A

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:
THE BALLARD COALITION
of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

Hearing Examiner File
W-17-004
NOTICE OF DEPOSITION UPON ORAL
EXAMINATION

TO: Jennifer Hagenow
AND TO: Erin Ferguson
Tadas A. Kisielius
Dale Johnson
Clara Park
Attorneys for Seattle Department of Transportation

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the deposition of
Jennifer Hagenow will be taken on Friday, October 6, 2017, at 1:00 p.m. at the offices of Veris
Law Group PLLC, 1809 7th Avenue, Suite 1400, Seattle, Washington 98101 before a Notary
Public in and for the State of Washington, and if not completed on that day, the taking the same
will be continued thereafter from day to day and from time to time until fully taken.

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DATED this 22nd day of September, 2017.

Respectfully submitted,

VERIS LAW GROUP PLLC

By /s/ Joshua C. Brower
Joshua C. Allen Brower, WSBA #25092
Leah B. Silverthorn, WSBA #51730
Danielle Granatt, WSBA #44182
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101
Telephone: (206) 829-9590
Facsimile: (206) 829-9245
josh@verislawgroup.com
leah@verislawgroup.com
danielle@verislawsigroup.com

Attorneys for Appellant The Ballard Coalition

FOSTER PEPPER PLLC

By /s/ Patrick J. Schneider
Patrick J. Schneider, WSBA #11957
Foster Pepper PLLC
1111 Third Avenue, Suite 3000
Seattle, Washington 98101-3292
Tel: (206) 447-4400
Fax: (206) 447-9700
pat.schneider@foster.com

Attorneys for Appellant The Ballard Coalition

1 **DECLARATION OF SERVICE**

2 I declare under penalty of perjury under the laws of the State of Washington that on this
3 date I caused the foregoing document to be served on the following persons via the methods
4 indicated:

5 Peter S. Holmes
6 Erin Ferguson
7 Seattle City Attorneys
8 701 5th Avenue, Suite 2050
9 Seattle, WA 98104
10 Tel: (206) 684-8615
11 erin.ferguson@seattle.gov
12 alicia.reise@seattle.gov
13 *Attorney for Respondent*
14 *Seattle Department of Transportation*

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

11 Matthew Cohen
12 Rachel H. Cox
13 Stoel Rives LLP
14 600 University Street, Suite 3600
15 Seattle, WA 98101-4109
16 Tel: (206) 386-7569
17 Fax: (206) 386-7500
18 matthew.cohen@stoel.com
19 rachel.cox@stoel.com
20 *Attorney for Intervenor Cascade Bicycle Club*

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

17 Tadas A. Kisielius
18 Dale Johnson
19 Clara Park
20 Van Ness Feldman
21 719 2nd Avenue, Suite 1150
22 Seattle, WA 98104
23 Tel: (206) 623-9372
24 tak@vnf.com
25 dnj@vnf.com
cpark@vnf.com
map@vnf.com
Attorney for Respondent City of Seattle

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

23 Dated at Seattle, Washington, this 22nd day of September, 2017.

24 /s/ Megan Manion
25 Megan Manion, Veris Law Group PLLC

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:
THE BALLARD COALITION
of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

Hearing Examiner File
W-17-004
SUBPOENA IN A CIVIL CASE

TO: Jennifer Hagenow

YOU ARE COMMANDED to appear in the Superior Court of the State of
Washington at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to
testify at the taking of a deposition in the above case.

PLACE OF TESTIMONY	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Friday, October 6, 2017 at 1:00 p.m.
	METHOD OF RECORDING
	Court Reporter

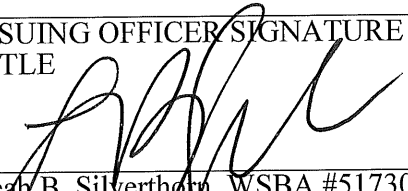
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects): to the extent you will provide expert opinion testimony, produce all documents, records, and information upon which you will rely to provide your opinion.

PLACE	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Friday, October 6, 2017 at 1:00 p.m.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

ISSUING OFFICER SIGNATURE AND TITLE 	DATE September 22, 2017
---	----------------------------

Leah B. Silverthorn, WSBA #51730	
ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER Leah B. Silverthorn Veris Law Group PLLC 1809 7th Ave, Ste 1400 Seattle, WA 98101 Tel: (206) 829-9590 Fax: (206) 829-9245	ATTORNEY FOR The Ballard Coalition

PROOF OF SERVICE

NAME OF PERSON SERVED Jennifer Hagenow	MANNER OF SERVICE Email and Process Server
PLACE OF SERVICE Jennifer Hagenow Seattle Department of Construction & Inspections Seattle Municipal Tower 700 5 th Avenue, Suite 2000 Seattle, WA 98104 c/o Peter S. Holmes & Erin Ferguson Seattle City Attorneys 701 5th Avenue, Suite 2050 Seattle, WA 98104 erin.ferguson@seattle.gov alicia.reise@seattle.gov	DATE OF SERVICE September 22, 2017

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the state of Washington that I am a suitable person over the age of 18, and that I delivered the foregoing subpoena for service via personal service on said date, and that the foregoing information contained in the Proof of Service is true and correct.

EXECUTED ON THIS DATE OF September _____, 2017	PLACE Seattle, WA
SIGNATURE OF SERVER _____	MANNER OF SERVICE Process Server
PRINTED NAME AND ADDRESS OF SERVER	TITLE

1 Pursuant to CR 45, a recitation of Sections (c) and
2 (d) follows:

3 **(c) Protection of Persons Subject to Subpoenas.**

4 (1) A party or an attorney responsible for the issuance
5 and service of a subpoena shall take reasonable steps
6 to avoid imposing undue burden or expense on a
7 person subject to that subpoena. The court shall
8 enforce this duty and impose upon the party or
9 attorney in breach of this duty an appropriate
10 sanction, which may include, but is not limited to,
11 lost earnings and a reasonable attorney's fee.

12 (2)(A) A person commanded to produce and permit
13 inspection and copying of designated books, papers,
14 documents or tangible things, or inspection of
15 premises need not appear in person at the place of
16 production or inspection unless commanded to
17 appear for deposition, hearing or trial.

18 (B) Subject to paragraph (d)(2) of this rule, a person
19 commanded to produce and permit inspection and
20 copying may, within 14 days after service of the
21 subpoena or before the time specified for compliance
22 if such time is less than 14 days after service, serve
23 upon the party or attorney designated in the subpoena
24 written objection to inspection or copying of any or
25 all of the designated materials or of the premises. If
objection is made, the party serving the subpoena
shall not be entitled to inspect and copy the materials
or inspect the premises except pursuant to an order of
the court by which the subpoena was issued. If
objection has been made, the party serving the
subpoena may, upon notice to the person commanded
to produce and all other parties, move at any time for
an order production shall protect any person who is
not a party or an officer of a party from significant
expense resulting from the inspection and copying
commanded.

(3)(A) On timely motion, the court by which a
subpoena was issued shall quash or modify the
subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection
(e)(2) of this rule;

(iii) requires disclosure of privileged or other
protected matter and no exception or waiver applies;
or

(iv) subjects a person to undue burden, provided that,
the court may condition denial of the motion upon a
requirement that the subpoenaing party advance the

reasonable cost of producing the books, papers,
documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other
confidential research, development, or commercial
information; or

(ii) requires disclosure of an unretained expert's
opinion or information not describing specific events
or occurrences in dispute and resulting from the
expert's study made not at the request of any party,
the court may, to protect a person subject to or
affected by the subpoena, quash or modify the
subpoena or, if the party in whose behalf the
subpoena is issued shows a substantial need for the
testimony or material that cannot be otherwise met
without undue hardship and assures that the person to
whom the subpoena is addressed will be reasonably
compensated, the court may order appearance or
production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce
documents shall produce them as they are kept in the
usual course of business or shall organize and label
them to correspond with the categories in the
demand.

(2)(A) When information subject to a subpoena is
withheld on a claim that it is privileged or subject to
protection as trial preparation materials, the claim
shall be made expressly and shall be supported by a
description of the nature of the documents,
communications, or things not produced that is
sufficient to enable the demanding party to contest
the claim.

(B) If information produced in response to a
subpoena is subject to a claim of privilege or of
protection as trial-preparation material, the person
making the claim may notify any party that
received the information of the claim and the basis
for it. After being notified a party must promptly
return, sequester, or destroy the specified
information and any copies it has; must not use or
disclose the information until the claim is resolved;
must take reasonable steps to retrieve the
information if the party disclosed it before being
notified; and may promptly present the information
in camera to the court for a determination of the
claim. The person responding to the subpoena must
preserve the information until the claim is resolved.

EXHIBIT B

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:
THE BALLARD COALITION
of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

Hearing Examiner File
W-17-004
NOTICE OF DEPOSITION UPON ORAL
EXAMINATION

TO: Claire Hoffman
AND TO: Erin Ferguson
Tadas A. Kisielius
Dale Johnson
Clara Park
Attorneys for Seattle Department of Transportation

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the deposition of
Claire Hoffman will be taken on Friday, October 6, 2017, at 9:00 a.m. at the offices of Veris Law
Group PLLC, 1809 7th Avenue, Suite 1400, Seattle, Washington 98101 before a Notary Public in
and for the State of Washington, and if not completed on that day, the taking the same will be
continued thereafter from day to day and from time to time until fully taken.

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DATED this 22nd day of September, 2017.

Respectfully submitted,

VERIS LAW GROUP PLLC

By /s/ Joshua C. Brower
Joshua C. Allen Brower, WSBA #25092
Leah B. Silverthorn, WSBA #51730
Danielle Granatt, WSBA #44182
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101
Telephone: (206) 829-9590
Facsimile: (206) 829-9245
josh@verislawgroup.com
leah@verislawgroup.com
danielle@verislawsgroup.com

Attorneys for Appellant The Ballard Coalition

FOSTER PEPPER PLLC

By /s/ Patrick J. Schneider
Patrick J. Schneider, WSBA #11957
Foster Pepper PLLC
1111 Third Avenue, Suite 3000
Seattle, Washington 98101-3292
Tel: (206) 447-4400
Fax: (206) 447-9700
pat.schneider@foster.com

Attorneys for Appellant The Ballard Coalition

1 **DECLARATION OF SERVICE**

2 I declare under penalty of perjury under the laws of the State of Washington that on this
3 date I caused the foregoing document to be served on the following persons via the methods
4 indicated:

5 Peter S. Holmes
6 Erin Ferguson
7 Seattle City Attorneys
8 701 5th Avenue, Suite 2050
9 Seattle, WA 98104
10 Tel: (206) 684-8615
11 erin.ferguson@seattle.gov
12 alicia.reise@seattle.gov
13 *Attorney for Respondent*
14 *Seattle Department of Transportation*

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

11 Matthew Cohen
12 Rachel H. Cox
13 Stoel Rives LLP
14 600 University Street, Suite 3600
15 Seattle, WA 98101-4109
16 Tel: (206) 386-7569
17 Fax: (206) 386-7500
18 matthew.cohen@stoel.com
19 rachel.cox@stoel.com
20 *Attorney for Intervenor Cascade Bicycle Club*

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

16 Tadas A. Kisielius
17 Dale Johnson
18 Clara Park
19 Van Ness Feldman
20 719 2nd Avenue, Suite 1150
21 Seattle, WA 98104
22 Tel: (206) 623-9372
23 tak@vnf.com
24 dnj@vnf.com
25 cpark@vnf.com
map@vnf.com
Attorney for Respondent City of Seattle

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

23 Dated at Seattle, Washington, this 22nd day of September, 2017.

24 /s/ Megan Manion
25 Megan Manion, Veris Law Group PLLC

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:
THE BALLARD COALITION
of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

Hearing Examiner File
W-17-004
SUBPOENA IN A CIVIL CASE

TO: Claire Hoffman

YOU ARE COMMANDED to appear in the Superior Court of the State of
Washington at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to
testify at the taking of a deposition in the above case.

PLACE OF TESTIMONY	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Friday, October 6, 2017 at 9:00 a.m.
	METHOD OF RECORDING
	Court Reporter

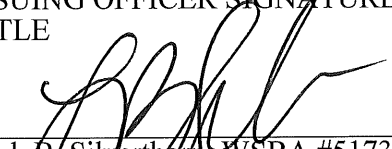
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects): to the extent you will provide expert opinion testimony, produce all documents, records, and information upon which you will rely to provide your opinion.

PLACE	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Friday, October 6, 2017 at 9:00 a.m.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Leah B. Silverthorn, WSBA #51730	September 22, 2017

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER	ATTORNEY FOR
Veris Law Group PLLC 1809 7th Ave, Ste 1400 Seattle, WA 98101 Tel: (206) 829-9590 Fax: (206) 829-9245	The Ballard Coalition

1 **PROOF OF SERVICE**

2

3 NAME OF PERSON SERVED	MANNER OF SERVICE
4 Claire Hoffman	Email and Process Server
5 PLACE OF SERVICE	DATE OF SERVICE
6 Claire Hoffman 7 ESA 8 5309 Shilshole Ave NW, Suite 200 9 Seattle WA, 9810 10 CHoffman@esassoc.com 11 c/o Peter S. Holmes & Erin Ferguson 12 Seattle City Attorneys 13 701 5th Avenue, Suite 2050 14 Seattle, WA 98104 15 erin.ferguson@seattle.gov 16 alicia.reise@seattle.gov	September 22, 2017

17 **DECLARATION OF SERVER**

18 I declare under penalty of perjury under the laws of the state of Washington that I am a
19 suitable person over the age of 18, and that I delivered the foregoing subpoena for service via
20 personal service on said date, and that the foregoing information contained in the Proof of
21 Service is true and correct.

22

23 EXECUTED ON THIS DATE OF	PLACE
24 September _____, 2017	Seattle, WA
25 SIGNATURE OF SERVER	MANNER OF SERVICE
_____	Process Server
PRINTED NAME AND ADDRESS OF SERVER	TITLE

1 Pursuant to CR 45, a recitation of Sections (c) and
2 (d) follows:

3 **(c) Protection of Persons Subject to Subpoenas.**

4 (1) A party or an attorney responsible for the issuance
5 and service of a subpoena shall take reasonable steps
6 to avoid imposing undue burden or expense on a
7 person subject to that subpoena. The court shall
8 enforce this duty and impose upon the party or
9 attorney in breach of this duty an appropriate
10 sanction, which may include, but is not limited to,
11 lost earnings and a reasonable attorney's fee.

12 (2)(A) A person commanded to produce and permit
13 inspection and copying of designated books, papers,
14 documents or tangible things, or inspection of
15 premises need not appear in person at the place of
16 production or inspection unless commanded to
17 appear for deposition, hearing or trial.

18 (B) Subject to paragraph (d)(2) of this rule, a person
19 commanded to produce and permit inspection and
20 copying may, within 14 days after service of the
21 subpoena or before the time specified for compliance
22 if such time is less than 14 days after service, serve
23 upon the party or attorney designated in the subpoena
24 written objection to inspection or copying of any or
25 all of the designated materials or of the premises. If
objection is made, the party serving the subpoena
shall not be entitled to inspect and copy the materials
or inspect the premises except pursuant to an order of
the court by which the subpoena was issued. If
objection has been made, the party serving the
subpoena may, upon notice to the person commanded
to produce and all other parties, move at any time for
an order production shall protect any person who is
not a party or an officer of a party from significant
expense resulting from the inspection and copying
commanded.

(3)(A) On timely motion, the court by which a
subpoena was issued shall quash or modify the
subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection
(e)(2) of this rule;

(iii) requires disclosure of privileged or other
protected matter and no exception or waiver applies;
or

(iv) subjects a person to undue burden, provided that,
the court may condition denial of the motion upon a
requirement that the subpoenaing party advance the

reasonable cost of producing the books, papers,
documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other
confidential research, development, or commercial
information; or

(ii) requires disclosure of an unretained expert's
opinion or information not describing specific events
or occurrences in dispute and resulting from the
expert's study made not at the request of any party,
the court may, to protect a person subject to or
affected by the subpoena, quash or modify the
subpoena or, if the party in whose behalf the
subpoena is issued shows a substantial need for the
testimony or material that cannot be otherwise met
without undue hardship and assures that the person to
whom the subpoena is addressed will be reasonably
compensated, the court may order appearance or
production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce
documents shall produce them as they are kept in the
usual course of business or shall organize and label
them to correspond with the categories in the
demand.

(2)(A) When information subject to a subpoena is
withheld on a claim that it is privileged or subject to
protection as trial preparation materials, the claim
shall be made expressly and shall be supported by a
description of the nature of the documents,
communications, or things not produced that is
sufficient to enable the demanding party to contest
the claim.

(B) If information produced in response to a
subpoena is subject to a claim of privilege or of
protection as trial-preparation material, the person
making the claim may notify any party that
received the information of the claim and the basis
for it. After being notified a party must promptly
return, sequester, or destroy the specified
information and any copies it has; must not use or
disclose the information until the claim is resolved;
must take reasonable steps to retrieve the
information if the party disclosed it before being
notified; and may promptly present the information
in camera to the court for a determination of the
claim. The person responding to the subpoena must
preserve the information until the claim is resolved.

EXHIBIT C

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:
THE BALLARD COALITION
of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

Hearing Examiner File
W-17-004
NOTICE OF DEPOSITION UPON ORAL
EXAMINATION

TO: Scott Kubly
AND TO: Erin Ferguson
Tadas A. Kisielius
Dale Johnson
Clara Park
Attorneys for Seattle Department of Transportation

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the deposition of
Scott Kubly will be taken on Tuesday, October 3, 2017, at 10:30 a.m. at the offices of Veris Law
Group PLLC, 1809 7th Avenue, Suite 1400, Seattle, Washington 98101 before a Notary Public in
and for the State of Washington, and if not completed on that day, the taking the same will be
continued thereafter from day to day and from time to time until fully taken.

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DATED this 22nd day of September, 2017.

Respectfully submitted,

VERIS LAW GROUP PLLC

By /s/ Joshua C. Brower
Joshua C. Allen Brower, WSBA #25092
Leah B. Silverthorn, WSBA #51730
Danielle Granatt, WSBA #44182
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101
Telephone: (206) 829-9590
Facsimile: (206) 829-9245
josh@verislawgroup.com
leah@verislawgroup.com
danielle@verislawsigroup.com

Attorneys for Appellant The Ballard Coalition

FOSTER PEPPER PLLC

By /s/ Patrick J. Schneider
Patrick J. Schneider, WSBA #11957
Foster Pepper PLLC
1111 Third Avenue, Suite 3000
Seattle, Washington 98101-3292
Tel: (206) 447-4400
Fax: (206) 447-9700
pat.schneider@foster.com

Attorneys for Appellant The Ballard Coalition

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on this date I caused the foregoing document to be served on the following persons via the methods indicated:

Peter S. Holmes
Erin Ferguson
Seattle City Attorneys
701 5th Avenue, Suite 2050
Seattle, WA 98104
Tel: (206) 684-8615
erin.ferguson@seattle.gov
alicia.reise@seattle.gov
*Attorney for Respondent
Seattle Department of Transportation*

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

Matthew Cohen
Rachel H. Cox
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101-4109
Tel: (206) 386-7569
Fax: (206) 386-7500
matthew.cohen@stoel.com
rachel.cox@stoel.com
Attorney for Intervenor Cascade Bicycle Club

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

Tadas A. Kisielius
Dale Johnson
Clara Park
Van Ness Feldman
719 2nd Avenue, Suite 1150
Seattle, WA 98104
Tel: (206) 623-9372
tak@vnf.com
dnj@vnf.com
cpark@vnf.com
map@vnf.com
Attorney for Respondent City of Seattle

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

Dated at Seattle, Washington, this 22nd day of September, 2017.

/s/ Megan Manion
Megan Manion, Veris Law Group PLLC

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:
THE BALLARD COALITION
of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

Hearing Examiner File
W-17-004
SUBPOENA IN A CIVIL CASE

TO: Scott Kubly

YOU ARE COMMANDED to appear in the Superior Court of the State of
Washington at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to
testify at the taking of a deposition in the above case.

PLACE OF TESTIMONY	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Tuesday, October 3, 2017 at 10:30 a.m.
	METHOD OF RECORDING
	Court Reporter

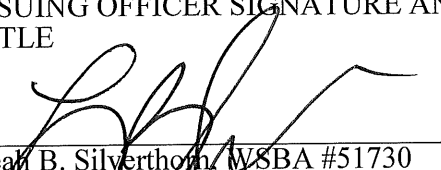
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects): to the extent you will provide expert opinion testimony, produce all documents, records, and information upon which you will rely to provide your opinion.

PLACE	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Tuesday, October 3, 2017 at 10:30 a.m.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

ISSUING OFFICER SIGNATURE AND TITLE	DATE
	September 22, 2017

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER	ATTORNEY FOR
Leah B. Silverthorn, WSBA #51730 Veris Law Group PLLC 1809 7th Ave, Ste 1400 Seattle, WA 98101 Tel: (206) 829-9590 Fax: (206) 829-9245	The Ballard Coalition

1 **PROOF OF SERVICE**

2

3 NAME OF PERSON SERVED	MANNER OF SERVICE
4 Scott Kubly	Email and Process Server
5 PLACE OF SERVICE	DATE OF SERVICE
6 Scott Kubly 7 Seattle Department of Transportation 8 Seattle Municipal Tower 9 700 5 th Avenue, Suite 3800 10 Seattle, WA 98104	September 22, 2017
11 c/o Peter S. Holmes & Erin Ferguson 12 Seattle City Attorneys 13 701 5th Avenue, Suite 2050 14 Seattle, WA 98104 15 erin.ferguson@seattle.gov 16 alicia.reise@seattle.gov	

17 **DECLARATION OF SERVER**

18 I declare under penalty of perjury under the laws of the state of Washington that I am a
19 suitable person over the age of 18, and that I delivered the foregoing subpoena for service via
20 personal service on said date, and that the foregoing information contained in the Proof of
21 Service is true and correct.

22

23 EXECUTED ON THIS DATE OF	PLACE
24 September _____, 2017	Seattle, WA
25 SIGNATURE OF SERVER	MANNER OF SERVICE
_____	Process Server
PRINTED NAME AND ADDRESS OF SERVER	TITLE

1 Pursuant to CR 45, a recitation of Sections (c) and
2 (d) follows:

3 **(c) Protection of Persons Subject to Subpoenas.**

4 (1) A party or an attorney responsible for the issuance
5 and service of a subpoena shall take reasonable steps
6 to avoid imposing undue burden or expense on a
7 person subject to that subpoena. The court shall
8 enforce this duty and impose upon the party or
9 attorney in breach of this duty an appropriate
10 sanction, which may include, but is not limited to,
11 lost earnings and a reasonable attorney's fee.

12 (2)(A) A person commanded to produce and permit
13 inspection and copying of designated books, papers,
14 documents or tangible things, or inspection of
15 premises need not appear in person at the place of
16 production or inspection unless commanded to
17 appear for deposition, hearing or trial.

18 (B) Subject to paragraph (d)(2) of this rule, a person
19 commanded to produce and permit inspection and
20 copying may, within 14 days after service of the
21 subpoena or before the time specified for compliance
22 if such time is less than 14 days after service, serve
23 upon the party or attorney designated in the subpoena
24 written objection to inspection or copying of any or
25 all of the designated materials or of the premises. If
objection is made, the party serving the subpoena
shall not be entitled to inspect and copy the materials
or inspect the premises except pursuant to an order of
the court by which the subpoena was issued. If
objection has been made, the party serving the
subpoena may, upon notice to the person commanded
to produce and all other parties, move at any time for
an order production shall protect any person who is
not a party or an officer of a party from significant
expense resulting from the inspection and copying
commanded.

(3)(A) On timely motion, the court by which a
subpoena was issued shall quash or modify the
subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection
(e)(2) of this rule;

(iii) requires disclosure of privileged or other
protected matter and no exception or waiver applies;
or

(iv) subjects a person to undue burden, provided that,
the court may condition denial of the motion upon a
requirement that the subpoenaing party advance the

reasonable cost of producing the books, papers,
documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other
confidential research, development, or commercial
information; or

(ii) requires disclosure of an unretained expert's
opinion or information not describing specific events
or occurrences in dispute and resulting from the
expert's study made not at the request of any party,
the court may, to protect a person subject to or
affected by the subpoena, quash or modify the
subpoena or, if the party in whose behalf the
subpoena is issued shows a substantial need for the
testimony or material that cannot be otherwise met
without undue hardship and assures that the person to
whom the subpoena is addressed will be reasonably
compensated, the court may order appearance or
production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce
documents shall produce them as they are kept in the
usual course of business or shall organize and label
them to correspond with the categories in the
demand.

(2)(A) When information subject to a subpoena is
withheld on a claim that it is privileged or subject to
protection as trial preparation materials, the claim
shall be made expressly and shall be supported by a
description of the nature of the documents,
communications, or things not produced that is
sufficient to enable the demanding party to contest
the claim.

(B) If information produced in response to a
subpoena is subject to a claim of privilege or of
protection as trial-preparation material, the person
making the claim may notify any party that
received the information of the claim and the basis
for it. After being notified a party must promptly
return, sequester, or destroy the specified
information and any copies it has; must not use or
disclose the information until the claim is resolved;
must take reasonable steps to retrieve the
information if the party disclosed it before being
notified; and may promptly present the information
in camera to the court for a determination of the
claim. The person responding to the subpoena must
preserve the information until the claim is resolved.

EXHIBIT D

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:
THE BALLARD COALITION
of the adequacy of the Final Environmental
Impact Statement, prepared by the Seattle
Department of Transportation for the Burke
Gilman Trail Missing Link Project

Hearing Examiner File
W-17-004
NOTICE OF DEPOSITION UPON ORAL
EXAMINATION

TO: Ben Perkowski
AND TO: Erin Ferguson
Tadas A. Kisielius
Dale Johnson
Clara Park
Attorneys for Seattle Department of Transportation

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the deposition of Ben Perkowski will be taken on Tuesday, October 3, 2017, at 9:00 a.m. at the offices of Veris Law Group PLLC, 1809 7th Avenue, Suite 1400, Seattle, Washington 98101 before a Notary Public in and for the State of Washington, and if not completed on that day, the taking the same will be continued thereafter from day to day and from time to time until fully taken.

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DATED this 22nd day of September, 2017.

Respectfully submitted,

VERIS LAW GROUP PLLC

By /s/ Joshua C. Brower
Joshua C. Allen Brower, WSBA #25092
Leah B. Silverthorn, WSBA #51730
Danielle Granatt, WSBA #44182
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101
Telephone: (206) 829-9590
Facsimile: (206) 829-9245
josh@verislawgroup.com
leah@verislawgroup.com
danielle@verislawsigroup.com

Attorneys for Appellant The Ballard Coalition

FOSTER PEPPER PLLC

By /s/ Patrick J. Schneider
Patrick J. Schneider, WSBA #11957
Foster Pepper PLLC
1111 Third Avenue, Suite 3000
Seattle, Washington 98101-3292
Tel: (206) 447-4400
Fax: (206) 447-9700
pat.schneider@foster.com

Attorneys for Appellant The Ballard Coalition

1 **DECLARATION OF SERVICE**

2 I declare under penalty of perjury under the laws of the State of Washington that on this
3 date I caused the foregoing document to be served on the following persons via the methods
4 indicated:

5 Peter S. Holmes
6 Erin Ferguson
7 Seattle City Attorneys
8 701 5th Avenue, Suite 2050
9 Seattle, WA 98104
10 Tel: (206) 684-8615
11 erin.ferguson@seattle.gov
12 alicia.reise@seattle.gov
13 *Attorney for Respondent*
14 *Seattle Department of Transportation*

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11 Matthew Cohen
12 Rachel H. Cox
13 Stoel Rives LLP
14 600 University Street, Suite 3600
15 Seattle, WA 98101-4109
16 Tel: (206) 386-7569
17 Fax: (206) 386-7500
18 matthew.cohen@stoel.com
19 rachel.cox@stoel.com
20 *Attorney for Intervenor Cascade Bicycle Club*

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- E-mail / HE ECF

17 Tadas A. Kisielius
18 Dale Johnson
19 Clara Park
20 Van Ness Feldman
21 719 2nd Avenue, Suite 1150
22 Seattle, WA 98104
23 Tel: (206) 623-9372
24 tak@vnf.com
25 dnj@vnf.com
cpark@vnf.com
map@vnf.com
Attorney for Respondent City of Seattle

- Overnight Delivery via Fed Ex
- First Class Mail via USPS
- Hand-Delivered via ABC Legal Messenger
- Facsimile
- E-mail / HE ECF

23 Dated at Seattle, Washington, this 22nd day of September, 2017.

24 /s/ Megan Manion
25 Megan Manion, Veris Law Group PLLC

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BEFORE THE HEARING EXAMINER
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Impact Statement, prepared by the Seattle
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Hearing Examiner File
W-17-004
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TO: Ben Perkowski

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PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

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testify at the taking of a deposition in the above case.

PLACE OF TESTIMONY	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Tuesday, October 3, 2017 at 9:00 a.m.
	METHOD OF RECORDING
	Court Reporter

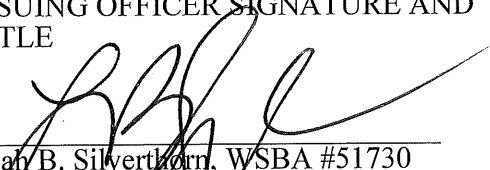
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PLACE	DATE AND TIME
Veris Law Group PLLC 1809 7 th Ave, Ste 1400 Seattle, WA 98101	Tuesday, October 3, 2017 at 9:00 a.m.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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ISSUING OFFICER SIGNATURE AND TITLE 	DATE September 22, 2017
--	----------------------------

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER Leah B. Silverthorn, WSBA #51730 Veris Law Group PLLC 1809 7th Ave, Ste 1400 Seattle, WA 98101 Tel: (206) 829-9590 Fax: (206) 829-9245	ATTORNEY FOR The Ballard Coalition
--	---

PROOF OF SERVICE

NAME OF PERSON SERVED	MANNER OF SERVICE
Ben Perkowski	Email and Process Server
PLACE OF SERVICE	DATE OF SERVICE
Ben Perkowski Seattle Department of Construction & Inspections Seattle Municipal Tower 700 5 th Avenue, Suite 2000 Seattle, WA 98104 c/o Peter S. Holmes & Erin Ferguson Seattle City Attorneys 701 5th Avenue, Suite 2050 Seattle, WA 98104 erin.ferguson@seattle.gov alicia.reise@seattle.gov	September 22, 2017

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the state of Washington that I am a suitable person over the age of 18, and that I delivered the foregoing subpoena for service via personal service on said date, and that the foregoing information contained in the Proof of Service is true and correct.

EXECUTED ON THIS DATE OF	PLACE
September _____, 2017	Seattle, WA
SIGNATURE OF SERVER	MANNER OF SERVICE
_____	Process Server
PRINTED NAME AND ADDRESS OF SERVER	TITLE

1 Pursuant to CR 45, a recitation of Sections (c) and
2 (d) follows:

3 **(c) Protection of Persons Subject to Subpoenas.**

4 (1) A party or an attorney responsible for the issuance
5 and service of a subpoena shall take reasonable steps
6 to avoid imposing undue burden or expense on a
7 person subject to that subpoena. The court shall
8 enforce this duty and impose upon the party or
9 attorney in breach of this duty an appropriate
10 sanction, which may include, but is not limited to,
11 lost earnings and a reasonable attorney's fee.

12 (2)(A) A person commanded to produce and permit
13 inspection and copying of designated books, papers,
14 documents or tangible things, or inspection of
15 premises need not appear in person at the place of
16 production or inspection unless commanded to
17 appear for deposition, hearing or trial.

18 (B) Subject to paragraph (d)(2) of this rule, a person
19 commanded to produce and permit inspection and
20 copying may, within 14 days after service of the
21 subpoena or before the time specified for compliance
22 if such time is less than 14 days after service, serve
23 upon the party or attorney designated in the subpoena
24 written objection to inspection or copying of any or
25 all of the designated materials or of the premises. If
objection is made, the party serving the subpoena
shall not be entitled to inspect and copy the materials
or inspect the premises except pursuant to an order of
the court by which the subpoena was issued. If
objection has been made, the party serving the
subpoena may, upon notice to the person commanded
to produce and all other parties, move at any time for
an order production shall protect any person who is
not a party or an officer of a party from significant
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subpoena was issued shall quash or modify the
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(i) fails to allow reasonable time for compliance;
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(e)(2) of this rule;

(iii) requires disclosure of privileged or other
protected matter and no exception or waiver applies;
or

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the court may condition denial of the motion upon a
requirement that the subpoenaing party advance the
reasonable cost of producing the books, papers,
documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other
confidential research, development, or commercial
information; or

(ii) requires disclosure of an unretained expert's
opinion or information not describing specific events
or occurrences in dispute and resulting from the
expert's study made not at the request of any party,
the court may, to protect a person subject to or
affected by the subpoena, quash or modify the
subpoena or, if the party in whose behalf the
subpoena is issued shows a substantial need for the
testimony or material that cannot be otherwise met
without undue hardship and assures that the person to
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sufficient to enable the demanding party to contest
the claim.

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subpoena is subject to a claim of privilege or of
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disclose the information until the claim is resolved;
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information if the party disclosed it before being
notified; and may promptly present the information
in camera to the court for a determination of the
claim. The person responding to the subpoena must
preserve the information until the claim is resolved.