

**Description**

Minutes for W-17-004  
Hearing on Motions  
Friday, September 29, 2017

Time: 1:00 p.m.  
Examiner: Ryan Vancil  
Assistant: Alayna Johnson

Party Representatives:

Josh Brower, Counsel for Appellant

Erin Ferguson, Tadas Kisielius, and Clara Park; Counsel for Department

Matthew Cohen and Rachel Cox, Counsel for Intervenor

**Date**

9/29/2017

**Location**

Large Hearing Room

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<a href="#">1:00:40 PM</a>		Hearing Examiner opens hearing.
<a href="#">1:02:03 PM</a>		Parties agree the Hearing Examiner can review EIS in advance of Hearing. Examiner outlines agenda for the day.
<a href="#">1:03:22 PM</a>		Issue clarification begins.
<a href="#">1:14:32 PM</a>		Issue clarification concludes.
<a href="#">1:15:06 PM</a>		Clarification of appellant's witness and exhibit list and relevance of certain witnesses.
<a href="#">1:16:04 PM</a>		Discussion of Motion to Compel Discovery.
<a href="#">1:16:13 PM</a>		City begins.
<a href="#">1:18:00 PM</a>		Appellant responds.
<a href="#">1:19:51 PM</a>		Hearing Examiner will set aside Motion for continued discussion.
<a href="#">1:22:41 PM</a>		Discussion of Motion in Limine and Motion to Quash.
<a href="#">1:29:43 PM</a>		Discussion of limiting documents and witnesses. City begins.
<a href="#">1:33:51 PM</a>		Appellant responds.
<a href="#">1:40:46 PM</a>		Motions set aside for further discussion.
<a href="#">1:42:41 PM</a>		Discussion of Motion for Continuance.
<a href="#">1:45:22 PM</a>		November 27-December 1 proposed as continued hearing dates.
<a href="#">1:48:43 PM</a>		Hearing will be rescheduled to those dates.
<a href="#">1:48:53 PM</a>		Discovery cutoff discussed.
<a href="#">1:54:07 PM</a>		October 6th will be the date required of the appellant for response to Motion to Compel.
<a href="#">1:55:28 PM</a>		Final witness and exhibit list due date discussed.
<a href="#">2:00:20 PM</a>		Second preliminary witness list due October 6th for appellant, second preliminary exhibit list for appellant due October 20th.
<a href="#">2:02:49 PM</a>		Final exhibit list due on November 6th
<a href="#">2:05:21 PM</a>		Motions due on November 10th, responses the 15th, no replies. Decision on the 17th.
<a href="#">2:10:07 PM</a>		Parties agree to schedule depositions without subpoenas.
<a href="#">2:10:23 PM</a>		Appellant proposes October 9th-October 27th be blocked out for depositions.
<a href="#">2:15:04 PM</a>		Discovery cutoff date November 3rd.
<a href="#">2:15:45 PM</a>		Respondent/Intervenor second preliminary witness list due October 11th and second preliminary exhibit list October 27th.
<a href="#">2:20:22 PM</a>		Hearing is limited to five days.
<a href="#">2:20:30 PM</a>		Closing arguments will be done in writing to ensure enough time for hearing.
<a href="#">2:21:38 PM</a>		Five days of hearing will be equally allocated to appellant and respondent.
<a href="#">2:22:51 PM</a>		Parties can submit written opening statements if they wish, around November 20th or 21st.
<a href="#">2:25:31 PM</a>		Motion to quash granted in respect to two witnesses.
<a href="#">2:27:24 PM</a>		Dates discussed today are confirmed.
<a href="#">2:31:27 PM</a>		Hearing Examiner closes hearing.