

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

THE BALLARD COALITION

of adequacy of the FEIS issued by the Director,
Seattle Department of Transportation

Hearing Examiner File:
W-17-004

**SECOND
PREHEARING
ORDER**

On September 29, 2017, a second prehearing conference and hearing on motions was held regarding this matter. Represented at the conference were the Appellant, The Ballard Coalition (“Appellant”), by Joshua C. Brower, attorney-at-law. The City of Seattle (“City”), was represented by Erin E. Ferguson, Tadas Kisielius, and Clara Park, attorneys-at-law. The Cascade Bicycle Club (“Cascade”), was represented by Matthew Cohen and Rachel Cox, attorneys-at-law.

During the hearing on the motions the Hearing Examiner made the following decisions concerning the parties’ pre-hearing motions:

The City’s Motion to Compel Discovery was **GRANTED**, and the Appellant’s deadline for response is set forth as provided below.

The City’s Motion in Limine was **DENIED**.

The City’s Motion to Quash Subpoena’s was **GRANTED** as to Ben Perkowski and Scott Kubly, and **DENIED** as to the remaining individuals.

The Applicant’s Motion to Continue the Hearing Date was **GRANTED**.

Additional comments were supplied to the parties by the Hearing Examiner at the hearing.

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

1. The parties have agreed to schedule depositions without requiring subpoenas.
2. The parties will schedule depositions between October 9 and October 27, 2017.
3. All discovery shall be completed no later than 5:00 PM on November 3, 2017.

4. The Appellant shall provide completed responses to the City's written discovery propounded upon the Appellant on August 15, 2017, including but not limited to responses to interrogatories, and requests for documents no later than 5:00 PM on October 6, 2017.
5. The Appellant shall file and serve its second preliminary witness list¹, no later than 5:00 PM on October 6, 2017.
6. The City and Cascade shall file and serve their respective second preliminary witness lists, no later than 5:00 PM on October 11, 2017.
7. The Appellant shall file and serve its second preliminary exhibit list, no later than 5:00 PM on October 20, 2017.
8. The City and Cascade shall file and serve their respective second preliminary exhibit lists, no later than 5:00 PM on October 27, 2017.
9. The parties shall file and serve their respective final witness lists and exhibit lists, no later than 5:00 PM on November 6, 2017. Each party shall serve the other parties a copy of each of the exhibits listed on its exhibit list, no later than 5:00 PM on November 6, 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. Parties must be prepared to provide a copy of any exhibit to be introduced at the hearing in hard-copy form to the Hearing Examiner.)
10. Any party may file a new motion in limine following the filing of final witness and exhibit lists. Such motions shall be filed with the Office of Hearing Examiner, and a copy served on the other parties, no later than 5:00 PM on November 10, 2017. Responses to such a motion shall be filed and served, no later than 5:00 PM on November 15, 2017. No replies to a response shall be filed or served. The parties have set aside November 17, 2017 at 9 AM to allow time for a possible oral ruling on the motion(s).

The hearing in this matter is scheduled to be held on November 27, 2017, beginning at 9 AM 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, November 28, 29, 30, and December 1 all at 9:00 AM, have been reserved on the hearing calendar for continuation of the hearing.

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.

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 3rd day of October, 2017



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CITY OF SEATTLE**

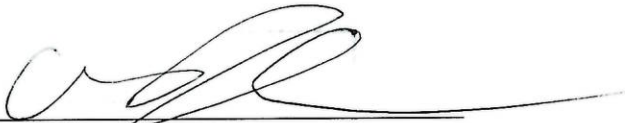
CERTIFICATE OF SERVICE

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 **Order of Continuance and Second Prehearing Order** to each person listed below, or on the attached mailing list, in the matter of **The Ballard Coalition**, Hearing Examiner File: **W-17-004**, in the manner indicated.

Party	Method of Service
Appellant The Ballard Coalition c/o Pat Schneider Foster Pepper schnp@foster.com Josh Brower Veris Law Group PLLC josh@verislawgroup.com Leah Silverthorn leah@verislawgroup.com Danielle Granatt danielle@verislawgroup.com Megan Manion megan@verislawgroup.com Brenda Bole Brenda.bole@foster.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
Department Erin Ferguson Assistant City Attorney Erin.Ferguson@seattle.gov Alicia Reise Alicia.Reise@seattle.gov Dale Johnson Van Ness Feldman LLP dnj@vnf.com Tadas Kisielius tak@vnf.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

<p>Clara Park cpark@vnf.com</p> <p>Marya Pirak map@vnf.com</p> <p>Amanda Kleiss aka@vnf.com</p>	
<p>Intervenor Cascade Bicycle Club c/o Matthew Cohen Stoel Rives matthew.cohen@stoel.com</p> <p>Rachel Cox rachel.cox@stoel.com</p> <p>Sharman Loomis sharman.loomis@stoel.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid</p> <p><input type="checkbox"/> Inter-office Mail</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Fax</p> <p><input type="checkbox"/> Hand Delivery</p> <p><input type="checkbox"/> Legal Messenger</p>

Dated: October 3, 2017


 Alayna Johnson
 Legal Assistant