

**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 Files:

W-17-004

**ORDER ON MOTIONS
IN LIMINE AND TO COMPEL
DISCLOSURE OF
APPELLANT'S WITNESSES
AND EXHIBITS**

This matter concerns the appeal of the Final Environmental Impact Statement ("FEIS") issued by the Director of the City of Seattle Department of Transportation ("City") for the Burke-Gilman Trail Missing Link Project ("Project"). The FEIS has been appealed by the Ballard Coalition ("Appellant"). The Cascade Bicycle Club has joined as an intervenor ("Intervenor"). The City has filed a motion *in limine*, and the Intervenor has filed a motion to compel disclosure of the Appellant's witnesses and exhibits. The Appellant has filed a response in opposition to the motions. The Hearing Examiner has reviewed the file in this matter including the motion documents. An oral ruling on the motions was made at a hearing on the motions on November 17, 2017.

The following is a summary of the November 17, 2017 oral ruling:

The City's motion *in limine* was **GRANTED** in part and **DENIED** in part.

- a. The Appellants will file and serve a revised Final Exhibit List no later than 5 PM on November 21, 2017.
- b. The City and Intervenor may submit revised Final Exhibit Lists no later than 5 PM on November 27, 2018.
- c. The parties were reminded that, with the exception of rebuttal exhibits and subparts of documents, broad categories of documents (e.g. by date of a public records request or deposition or by general reference such as "including without limiting") are not acceptable disclosure of an exhibit to be used at the hearing. If a document is not identified by title in the exhibit list it may not be admitted at the hearing.
- d. The Appellant's Revised Final Disclosure of Witnesses List attached as Exhibit B to the Declaration of Leah B. Silverthorn in Support of the Ballard Coalition's Response in Opposition to SDOT's Second Motion *In Limine* is accepted as the Appellant's Final Witness List.


The Intervenor's motion to compel was **DENIED** for lack of specificity in stating the grounds for the motion pursuant to HER 2.16.

The parties also addressed scheduling details at the hearing on the motions, and resolved the following:

On the dates November 28-30, and December 1 the hearing will continue at 8:30 AM.

Tuesday December 5, 2017 has been set aside on the calendar or rebuttal testimony only.

Entered this 20th day of November, 2017.



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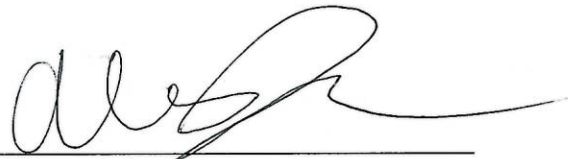
CERTIFICATE OF SERVICE

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 **Order on Motions in Limine and to Compel Disclosure of Appellant's Witnesses and Exhibits** 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	<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>Tadas Kisielius tak@vnf.com</p> <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: November 20, 2017



Alayna Johnson
Legal Assistant