

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

ESCALA OWNERS ASSOCIATION

from a decision issued by the Director, Seattle
Department of Construction and Inspections.

Hearing Examiner File:
MUP-17-035 (DR, W)

**PREHEARING
ORDER**

On December 6, 2017, a prehearing conference was held regarding this matter. Represented at the conference were the Appellants, Escala Owners Association ("Appellant"), by Claudia M. Newman, attorney-at-law. The Applicant, Jodi-Patterson O'Hare ("Applicant"), was represented by John C. McCullough and Ian S. Morrison, attorneys-at-law. The City of Seattle ("City"), was represented by Elizabeth E. Anderson, attorney-at-law.

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

1. The parties are engaging in prehearing discovery on their own initiative, and will notify the Hearing Examiner only if necessary.
2. The parties agreed to electronic service of materials.
3. The parties may file pre-hearing motions. The following schedule applies to all pre-hearing motions:
 - a. Motions shall be filed with the Office of the Hearing Examiner, and served on the other parties, on January 5, 2018, no later than 5:00 PM.
 - b. Responses to any motions shall be filed and served on January 12, 2018, no later than 5:00 PM.
 - c. Replies to any responses shall be filed and served on February 17, 2018, no later than 5:00 PM.
4. The Appellant shall file, and serve the City and Applicant with a copy of, its final witness list,¹ and final exhibit list, no later than 5:00 PM February 21, 2018. The Appellant shall also serve the City and Applicant with a copy of each of the exhibits on its exhibit list no later than 5:00 PM on February 21,

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.

2018. (Note for all parties: 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.)

5. The City and Applicant shall file, and serve a copy of, their respective final witness lists, and final exhibit lists, no later than 5:00 PM on February 28, 2018. The City and Applicant shall also serve the other parties with a copy of each of the exhibits on their respective exhibit lists no later than 5:00 PM on February 28, 2018.

The hearing in this matter is scheduled to be held on March 5, 2018, beginning at 9 a.m. 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, March 6, 7, and 8 have been reserved on the hearing calendar for continuation of 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 7th day of December, 2017.



Ryan Vancil, Deputy Hearing Examiner
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**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

**NOTICE OF APPEAL HEARING
Hearing Examiner File: MUP-17-035 (DR, W)**

On **Monday, March 05, 2018** beginning at **9:00 a.m.**, the City Hearing Examiner will hold a public hearing at the Office of Hearing Examiner, in the Hearing Room, Suite 4000, 700 Fifth Avenue (Seattle Municipal Tower, 40th Floor), to consider the following matter:

The appeal of Escala Owners Association of a Decision issued by the Director, SDCI, regarding a Land Use Application to allow a 48-story building with 1,000 sq. ft. of retail space and 13,500 sq. ft. of restaurant space on the first 2 levels, with 155 hotel rooms and 431 apartments located above. SDCI Project #3019699.

The authority for the hearing and the jurisdiction of the Hearing Examiner is derived from Seattle Municipal Code 23.76, and the hearing will be conducted in accordance with procedures for hearing contested cases in Chapter 3.02 of the Seattle Municipal Code and the Hearing Examiner Rules. The hearing is open to the public, but only persons qualifying as parties or called by the parties as witnesses will have the opportunity to testify.

Consistent with applicable rules, the parties will each have an opportunity at the hearing to offer testimony and to present witnesses and other evidence that they believe supports their view. To be admitted, evidence must be relevant, come from a reliable source, and have some value toward proving the point of the party who offers it. If a party intends to refer to any exhibits (documents, photographs, etc.) at the hearing, the party must bring copies of the exhibits for the other parties and for the Hearing Examiner.

DATE OF NOTICE: December 7, 2017

Office of Hearing Examiner
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**BEFORE THE HEARING EXAMINER
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 **Prehearing Order and Notice of Hearing** to each person listed below, or on the attached mailing list, in the matter of **Escala Owners Association**, Hearing Examiner File: **MUP-17-035 (DR, W)** in the manner indicated.

Party	Method of Service
Appellant Legal Counsel Claudia Newman newman@bnd-law.com Peggy Cahill cahill@bnd-law.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
Applicant Legal Counsel John C. McCullough jack@mhseattle.com Ian S. Morrison imorrison@mhseattle.com laura@mhseattle.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 Legal Counsel Elizabeth Anderson SDCI liza.anderson@seattle.gov Alicia Reise alicia.reise@seattle.gov Shelley Bolser shelley.bolser@seattle.gov PRC PRC@seattle.gov Sue Putnam Sue.Putnam@seattle.gov	<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

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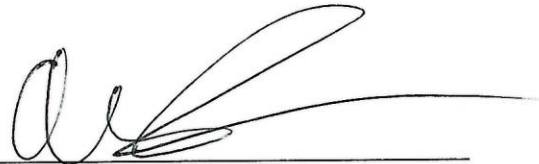
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Cheryl Waldman

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Dated: December 7, 2017

A handwritten signature in black ink, appearing to read 'Alayna Johnson', with a long horizontal line extending to the right.

Alayna Johnson
Legal Assistant