

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeals of

**WALLINGFORD COMMUNITY  
COUNCIL, ET AL.**

of adequacy of the FEIS issued by the Director,  
Office of Planning and Community Development

Hearing Examiner File:  
**W-17-006** through  
**W-17-014**

**SECOND  
PREHEARING  
ORDER**

On February 14, 2018, a second prehearing conference was held regarding this matter. Represented at the conference were the Appellants: Wallingford Community Council, by Lee Raaen, attorney-at-law; Morgan Community Association, by Deborah Barker; Friends of Ravenna-Cowen, by Judith Bendich; Seattle Coalition for Affordability, Livability and Equity, by Claudia M. Newman, attorney-at-law; Seniors United for Neighborhoods, by David Ward; Beacon Hill Council of Seattle, by Mira Latoszek; Friends of the North Rainier Neighborhood Plan, by Talis Abolins; Morgan Junction Association, by Philip Tavel; and Fremont Neighborhood Council, by Toby Thaler, attorney-at-law. The City of Seattle ("City"), was represented by Tadas Kisielius and Jeffrey Weber, attorneys-at-law.

During the prehearing conference the parties discussed a hearing schedule, briefing schedule for pre-hearing motions, identified a schedule for both preliminary and final witness and exhibit lists and exchange of exhibits, and discussed discovery.<sup>1</sup> 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. The cut-off for written discovery requests was January 5, 2018. The cut-off date for the City's response to written discovery requests is April 11, 2018. The cut-off date for depositions is April 30, 2018.
2. The parties have agreed to electronic service of materials.
3. The parties may file pre-hearing motions. The following schedule applies to all pre-hearing motions (except those motions concerning discovery and/or motions in limine):
  - a. Motions must be filed with the Office of the Hearing Examiner, and served on the other parties, no later than 5:00 PM May 11, 2018.
  - b. Responses to any motions shall be filed and served no later than 5:00 PM on the date fourteen calendar days from the date the motion was filed.

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<sup>1</sup> Due to the discovery schedule in this matter the dates in the prehearing order December 15, 2017 are supersede by the dates identified in this second prehearing order.

- c. Replies to any responses shall be filed and served no later than 5:00 PM on the date seven calendar days from the date the response was filed.
4. Motions concerning discovery and/or motions in limine may be filed and served up to, but no later than, 5:00 PM on April 30, 2018. Responses to any such motions must be filed no later than 5:00 PM on the date seven days from the date the motion was filed. Replies to responses must be filed no later than 5:00 PM on the date two days from the date the response was filed. If the moving party intends to waive filing a reply, then that party should indicate as such to the Hearing Examiner to avoid delay in review of the motion. In addition, the parties are requested to file these motions by the earliest possible date to reduce the impacts of such motions on the case schedule and the parties' preparation for hearing.
5. Each Appellant shall file, and serve the City and other Appellants with a copy of, its preliminary witness list,<sup>2</sup> and preliminary exhibit list, no later than 5:00 PM on April 2, 2018.
6. The City shall file, and serve a copy of, its preliminary witness list, and preliminary exhibit list, no later than 5:00 PM on April 9, 2018.
7. The parties are requested to update their respective preliminary witness and exhibit lists, if necessary, by April 13, 2018 if written discovery responses received on or before April 11, 2018 result in a change to these lists. The purpose of this update is, in part, to ensure maximum disclosure of witnesses as the parties move into the time that will likely be dedicated to depositions. The parties are alerted that depositions may be scheduled for the period following receipt of written discovery responses *e.g.* April 12-30.<sup>3</sup> Party representatives and witnesses should be prepared to be available for depositions during this period.
8. Each Appellant shall file, and serve the City and other Appellants with a copy of, its final witness list, and final exhibit list, no later than 12:00 PM June 11, 2018. Each Appellant shall also serve the City and other Appellants with a copy of each of the exhibits on its exhibit list no later than 5:00 PM on June 11, 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.)

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<sup>2</sup> Witness lists must include the names of witnesses, a brief summary of their expected testimony, and estimated time for testimony (excluding time for cross-examination and redirect). 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.

<sup>3</sup> Depositions may certainly be scheduled in advance of this period, but it is common practice to hold depositions following responses to written discovery.

9. The City shall file, and serve a copy of, its final witness list, and final exhibit list, no later than 5:00 PM on June 18, 2018. The City shall also serve Appellants with a copy of each of the exhibits on its exhibit list no later than 5:00 PM on June 18, 2018.

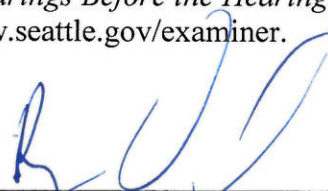
A third prehearing conference has been scheduled for June 11, 2018 at 3:30 PM. The purpose of this prehearing conference will be to address allocation of time between the parties for the hearing. Parties should come to the prehearing conference with as precise as possible an estimate of time needed to present their case, and be prepared to address availability of representatives and witnesses.

The hearing in this matter is scheduled to be held on June 25, 2018, beginning at 9 AM in the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40<sup>th</sup> Floor) Seattle, Washington. In addition to this initial hearing date, June 26-29 and July 23-27 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.

Information about appeal hearings, including the *Hearing Examiner Rules of Practice and Procedure*, and a *Public Guide to Appeals and Hearings Before the Hearing Examiner*, is available on the Hearing Examiner's website, [www.seattle.gov/examiner](http://www.seattle.gov/examiner).

Entered this 16<sup>th</sup> day of February, 2018.



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Ryan Vancil, Deputy Hearing Examiner  
Office of Hearing Examiner  
P.O. Box 94729  
Seattle, Washington 98124-4729  
Phone: (206) 684-0521  
Fax: (206) 684-0536

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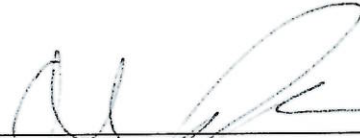
**CERTIFICATE OF SERVICE**

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 **Second Prehearing Order** to each person listed below, or on the attached mailing list, in the matter of **Wallingford Community Council, et al.**, Hearing Examiner Files: **W-17-006 – W-17-014** in the manner indicated.

Party	Method of Service
<b>Appellants</b> Wallingford Community Council c/o G. Lee Raen lee@lraaen.com  Morgan Community Association (MoCA) c/o Deb Barker djb124@earthlink.net  Friends of Ravenna-Cowen c/o Judith Bendich jebendich@comcast.net  West Seattle Junction Neighborhood Organization admin@wsjuno.org c/o Rich Koehler rkoehler@cool-studio.net  Coalition for Affordability, Livability, and Equity c/o Claudia Newman newman@bnd-law.com  Seniors United for Neighborhoods (SUN) c/o David Ward booksgalore22@gmail.com  Beacon Hill Council of Seattle c/o Mira Latoszek mira.latoszek@gmail.com  Friends of North Rainier Neighborhood Plan c/o Marla Steinhoff masteinhoff@gmail.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>Fremont Neighborhood Council  fremont@louploup.net  c/o Toby Thaler  toby@louploup.net</p>	
<p><b>Department Legal Counsel</b>  Jeff Weber  Assistant City Attorney  Jeff.weber@seattle.gov</p> <p>Daniel Mitchell  Assistant City Attorney  Daniel.mitchell@seattle.gov</p> <p>Alicia Reise  Alicia.reise@seattle.gov</p> <p>Geoffrey Wentlandt  OPCD  Geoffrey.wentlandt@seattle.gov</p> <p>MHA.EIS@seattle.gov</p>	<p><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>

Dated: February 16, 2018




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Alayna Johnson  
Legal Assistant