

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner Files:  
**MUP-18-001 (P)**

**DAVID MOEHRING**

Department Reference:  
3028431

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

**ORDER ON MOTIONS  
TO SUBPOENA**

The Appellant, David Moehring, submitted Motions for Subpoena ("Motions") for Robert H. Winters, Geoffrey Wentlandt, Seattle Fire Department Authority Having Jurisdiction, and Loren Landerholm for the hearing on this matter which is set for Thursday April 12, 2018 at 9:00 AM.

The Hearing Examiner Rules of Practice and Procedure ("HER") provide in relevant part:

A motion may be made in writing for a subpoena to require a person to appear and testify at a deposition or hearing, or for a person to produce specified documents or other physical exhibits at a prehearing conference, deposition, or at hearing. (Note: expert witnesses often require reimbursement for their time and/or travel expenses, in addition to a subpoena for testimony;

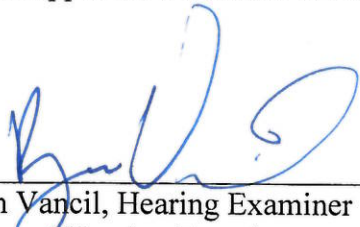
Unless otherwise allowed by the Hearing Examiner, subpoenas shall be served no later than 7 days prior to the date the appearance or production is ordered; and

Requests for subpoenas and the rulings upon such requests may be made *ex parte* unless otherwise ordered by the Hearing Examiner. Requests for subpoenas normally require at least 2 business days for the Office of Hearing Examiner to process.

HER 3.12 (a), (d), and (g).

The Motions were submitted at 1:00 pm on Thursday April 5, 2017, seven days before the date of the hearing. Thus, the timing of the Motion does not allow the Office of Hearing Examiner any time to process, and the subpoenas cannot be served 7 days prior to the date the appearance would be ordered pursuant to HER 3.12. Accordingly, the Appellant's Motions to Subpoena are **DENIED** as untimely.

Entered this 5<sup>th</sup> day of April, 2018.

  
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Ryan Vancil, Hearing Examiner  
Office of Hearing Examiner  
P.O. Box 94729

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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 to Subpoena** to each person listed below, or on the attached mailing list, in the matter of **David Moehring**. Hearing Examiner File: **MUP-18-001 (P)** in the manner indicated.

Party	Method of Service
<b>Appellant</b> David Moehring dmoehring@consultant.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
<b>Applicant Legal Counsel</b> Brandon Gribben bgribben@helsell.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
<b>Department</b> Joseph Hurley SDCI Joseph.hurley@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

Dated: April 5, 2018

  
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Alayna Johnson  
Legal Assistant