

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeals of

Hearing Examiner Files:
HC-18-001 through
HC-18-007

THE FOUR SEASONS HOTEL SEATTLE,
Et al.,

Department Reference:
3029782

from a decision by the Director,
Department of Construction and Inspections
Regarding a Major Public Project Construction
Noise Variance

**PREHEARING
ORDER**

On April 24, 2018, a prehearing conference was held regarding this matter. Represented at the conference were the Appellants: The Four Seasons Hotel by Michael Pedder; 98 Union Homeowners Association by John Gleason; Kay Smith-Blum and Jackie Swarts, by Kay-Smith Blum; Andrew Konstantaras; and Michael Roberts; all *pro se* (collectively herein "Appellants"). The City of Seattle ("City"), was represented by Patrick Downs, attorney-at-law; and the Washington State Department of Transportation ("WSDOT") was represented by Deborah Cade and Michael Huot, attorneys-at-law (collectively "Respondents").

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

1. Any prehearing motion must be filed with the hearing examiner's office no later than 5:00 PM on May 4, 2018.
2. The opposing parties shall file and serve their response to the motions, no later than 5:00 PM on May 11, 2018.
3. Any reply by the original filing party must be filed no later than 5:00 PM on May 18, 2018.
4. The parties are engaging in prehearing discovery on their own initiative and will notify the Hearing Examiner only if necessary.
5. Each Appellant shall file with the Office of Hearing Examiner, and serve on the other parties, their witness list¹ and exhibit list, no later than 5:00 PM on June 18, 2018.

¹ Witness lists must include the names of witnesses, a brief summary of their expected testimony, and expected time for direct testimony. If a witness will be testifying as an expert, a statement of qualifications


6. The Respondents, the City and WSDOT, shall file and serve their witness list and exhibit list, no later than 5:00 PM on June 25, 2018.
7. Each Appellant shall file and serve their lists for rebuttal witnesses and exhibits, if any, no later than 5:00 PM on July 2, 2018.
8. Each Party shall serve the other parties a copy of each of the exhibits listed on their exhibit lists, no later than 5:00 PM on July 2, 2018. (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.)

The hearing in this matter is scheduled to be held on July 16, 2018, 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, July 17th, 18th, and 19th 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.

Entered this 24th day of April, 2018.


Barbara Dykes Ehrlichman
Deputy Hearing Examiner
Office of Hearing Examiner
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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.

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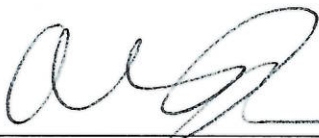
CERTIFICATE OF SERVICE

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 **Prehearing Order and Notice of Hearing** to each person listed below, or on the attached mailing list, in the matter of **Four Seasons Hotel Seattle et al.**, Hearing Examiner Files: **HC-18-001 through HC-18-007** in the manner indicated.

Party	Method of Service
Appellants Four Seasons Hotel Seattle Michael Pedder michael.pedder@fourseasons.com 98 Union Homeowners Association John Gleason johng@secprop.com Kay Smith-Blum kay@butchblum.com Jackie Swarts jackie1.home@yahoo.com Andrew Konstantaras akonsta@me.com Michael Roberts mjsroberts@icloud.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/Appellant Legal Counsel Deborah Cade Assistant Attorney General deborahc@atg.wa.gov Danielle Oliver danielleo@atg.wa.gov Melissa Calahan Melissael@atg.wa.gov E-service Mailbox tpcef@atg.wa.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

<p>Department Legal Counsel Patrick Downs Assistant City Attorney Patrick.downs@seattle.gov</p> <p>James Dasher James.Dasher@seattle.gov</p> <p>Dan Goodman Dan.Goodman@seattle.gov</p> <p>Dave Cordaro Dave.cordaro@seattle.gov</p> <p>Alicia Reise Alicia.reise@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>
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Dated: April 24, 2018



Alayna Johnson
Legal Assistant