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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

**WALLINGFORD COMMUNITY
COUNCIL, ET AL.,**

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

Hearing Examiner File

W-17-006 through W-17-014

DECLARATION OF JEFFREY WEBER
IN SUPPORT OF CITY OF SEATTLE'S
RESPONSE TO FRIENDS OF
RAVENNA-COWEN'S MOTION FOR
CONTINUANCE

I, Jeffrey Weber, declare and state as follows:

1. I am over eighteen years of age, have personal knowledge of the matters herein, and am competent to testify regarding all matters set forth herein.
2. Attached hereto as Exhibit A is a true and correct copy of an email exchange between Judith Bendich, counsel for Friends of North Rainier Neighborhood Plan, and me regarding scheduling of depositions. On April 16, 2018, Ms. Bendich requested depositions of two city employees. I responded on April 20, 2018.
3. Ms. Bendich agreed to schedule the depositions of Ms. Sarah Sodt and Mr. Nicolas Welch on May 10, 2018, at 9 AM and 1 PM, respectively. At no time did Ms. Bendich indicate that May 10, 2018 was too late for her purposes.

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4. I did not attend the deposition of Ms. Sodt on May 10, 2018. Another attorney representing the City attended the Sodt deposition. I did, however, attend the deposition of Mr. Welch later that day. Ms. Bendich participated in both depositions. Toward the end Mr. Welch's deposition on May 10, it became clear that it would not be possible to complete the deposition on that day. Ms. Bendich asked me whether I would consent to a continuance as to a case schedule deadline. I understood this as a request for a continuance stemming from the inability to finish Mr. Welch's deposition on May 10. Based on that understanding, I did not agree to a continuance.

5. I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED in Seattle, Washington, this 15th day of May, 2018.



Jeffrey Weber, Declarant

APPENDIX A

Weber, Jeff S

From: Judy Bendich <jebendich@comcast.net>
Sent: Friday, April 20, 2018 3:21 PM
To: Weber, Jeff S; Mitchell, Daniel B; 'Dale Johnson'; tak@vnf.com
Subject: RE: MHA-FEIS Depositions of Nicholas Welch and Sara Sodt

Dear Mr. Weber:

I have already contacted other appellants and will notify you if any others wish to attend and ask questions. Please let me know the room(s) as soon as possible since I need to coordinate with the court reporter.

Sincerely,

Judy Bendich

From: Weber, Jeff S [mailto:Jeff.Weber@seattle.gov]
Sent: Friday, April 20, 2018 3:15 PM
To: Judy Bendich; Mitchell, Daniel B; 'Dale Johnson'; tak@vnf.com
Subject: RE: MHA-FEIS Depositions of Nicholas Welch and Sara Sodt

Ms. Bendich,

We will reserve the following times for the following depositions:

Sarah Sodt, May 10, at 9 am
Nicholas Welch, May 10, at 1 pm

Please note, we are depending on you to contact all of the other appellants to confirm that any appellant who wishes to depose either of these two people will do so at the above times. If any other appellant seeks to depose these two persons at other times, the City will move to quash those depositions.

Also, we will provide a conference room in the City Attorney's office for both depositions. There is no need for Ms. Sodt to be close to her office, as she will not be retrieving documents during the deposition. You'll need to bring any documents she will be using in her examination— there is not a mechanism by which you may ask the witness or anyone else to retrieve documents from nearby offices.

Finally, as previously noted, you'll be responsible for providing the court reporter.

Thank you.

Jeff Weber

From: Judy Bendich [mailto:jebendich@comcast.net]
Sent: Friday, April 20, 2018 1:29 PM
To: Weber, Jeff S <Jeff.Weber@seattle.gov>; Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>; 'Tadas Kiselius' <tak@vnf.com>; 'Dale Johnson' <dnj@vnf.com>; cpark@vnf.com
Subject: RE: MHA-FEIS Depositions of Nicholas Welch and Sara Sodt

Dear Mr. Weber:

Thank you for the info. I prefer to do both depositions on May 10. I would like Ms. Sodt's deposition to take place on the 4th Floor of City Hall since this is near her office, and we may be referring to various documents maintained there. Mr. Welch's deposition has to be there. So please let me know where each of these will occur. I will let other SCALE Appellants know about these depositions.

Also, you wrote an email to all SCALE Appellants requesting that they identify five dates that could be available for their expert witnesses. That is simply not possible for me to do. I gave you one date for each of two witnesses (Mr. Lorne McConachie and Prof. Kern Ewing) because their schedules are simply impossible. I will be sending you information on scheduling Mr. Wheeler sometime today, but he is similarly unavailable. He guides various tours, and is frequently out of town for extended periods. I still have not heard from Mr. Kreisman because he is out of town; I will let you know as soon as I do.

Sincerely,

Judy Bendich

From: Weber, Jeff S [<mailto:Jeff.Weber@seattle.gov>]
Sent: Friday, April 20, 2018 12:35 PM
To: Judy Bendich; Mitchell, Daniel B; Tadas Kisielius; Dale Johnson; cpark@vnf.com
Subject: RE: MHA-FEIS Depositions of Nicholas Welch and Sara Sodt

Ms. Bendich,

Here are potential dates for those two depositions. We envision a half day for each, though the full time may not be required. The City Attorney's office would provide a conference room. You would provide the court reporter.

Thursday May 10 would be ideal, as both witnesses are available and we could do Ms. Sodt in the morning (9 am) and Mr. Welch in the afternoon (1 pm).

The same is true of Friday May 11.

Ms. Sodt is also available the afternoon of May 8 (1 pm).

Mr. Welch is also available May 14, 15, and 16.

Could you please check with any other appellants who are interested in these depositions and let me know what dates/times work. Thank you.

Jeff Weber

From: Judy Bendich [<mailto:jebendich@comcast.net>]
Sent: Monday, April 16, 2018 10:18 AM
To: Weber, Jeff S <Jeff.Weber@seattle.gov>; Mitchell, Daniel B <Daniel.Mitchell@seattle.gov>; Tadas Kisielius <tak@vnf.com>; Dale Johnson <dnj@vnf.com>; cpark@vnf.com
Subject: MHA-FEIS Depositions of Nicholas Welch and Sara Sodt

Dear Counsel:

I would like to set up depositions of Mr. Nicholas Welch and Ms. Sara Sodt as soon as possible. And, since other Appellants are involved, some too may wish to ask additional questions. So these will probably need to be

coordinated. I anticipate Ms. Sordt's deposition would not exceed 2 to 3 hours. Mr. Welch's would take at least one-half a day and possibly one to two days depending on the other Appellants.

Thank you for your courtesy in getting back to me as soon as possible.

Judith E. Bendich

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Seattle, WA 98115
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