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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re: Appeal by

ESCALA OWNERS ASSOCIATION

of Decisions Re Land Use Application
for 1933 5th Avenue, Project 3019699

NO. MUP-17-035

ESCALA OWNERS ASSOCIATION
MOTION FOR EXTENSION OF TIME
TO RESPOND TO MOTION FOR
RECONSIDERATION

I. RELIEF REQUESTED

Pursuant to Hearing Examiner Rule 2.16, Escala Owners Association requests that the Hearing Examiner allow Appellant Escala Owners Association to file a response to Respondents' Joint Motion for Partial Reconsideration on Wednesday, May 23, 2018. Without a ruling otherwise, Appellant's response to the motion would be due on Friday, May 18, 2018. Appellants request that the deadline for a response be extended to May 23, 2018.

Respondents City of Seattle and Jodi Patterson-O'Hare have indicated that they do not object to Escala Owners Association's request for this extension.

II. STATEMENT OF FACTS

This matter involves an appeal by the Escala Owners Association of a decision of approval and adequacy of the FEIS and Addendum issued by the Director of the Seattle Department of Construction

1 and Inspections for development of a forty eight story structure at the corner of 5th and Virginia in
2 downtown Seattle. The Hearing Examiner issued Findings and Decision on the appeal on May 2, 2018
3 and Respondents City of Seattle and Jodi Patterson-O'Hare filed a Joint Motion for Partial
4 Reconsideration on May 11, 2015. Appellant Escala Owners Association has filed this motion to
5 request an extension for the deadline to respond to the motion.
6

7 II. ARGUMENT

8 The City of Seattle Hearing Examiner rules state that a party may file a written response to a
9 motion either (1) within 7 days after service of that motion or (2) within "such other time as may be
10 designated" by the Hearing Examiner. HE Rule 2.16(b).

11 Escala respectfully requests that the Hearing Examiner set the deadline for Escala's response
12 to the motion as Wednesday, May 23, 2018 pursuant to the authority in HE Rule 2.16(b). At this time,
13 the current workload of Appellant's attorneys allows no time for them to prepare an effective and
14 adequate response to the motion by Friday, May 18, 2018. Declaration of Claudia M. Newman (May
15 15, 2018). Because they are unable to prepare and complete the response by that date, a denial of an
16 extension for filing a response would prejudice Escala Owner's Association. *Id.* In contrast, Appellant
17 does not believe that Respondents will be caused any prejudice by this short extension of time. The
18 extension requested is not unreasonable – Appellant is requesting just three additional business days
19 to prepare and file a response.
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21 As mentioned above, Respondents City of Seattle and Jodi Patterson-O'Hare have indicated
22 that they do not object to Escala Owners Association's motion. *Id.*
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Dated this 16th day of May, 2018.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By:



Claudia M. Newman, WSBA No. 24928
Attorneys for Appellant