BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeals of	Hearing Examiner File: **W-17-006** through **W-17-014**
WALLINGFORD COMMUNITY COUNCIL, ET AL.	
of adequacy of the FEIS issued by the Director, Office of Planning and Community Development	**PREHEARING ORDER**

On December 13, 2017, a 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; West Seattle Junction Neighborhood Organizations, by Richard Koehler; 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 Mora Latoszek; Friends of the North Rainier Neighborhood Plan, by Talis Abolins; and Fremont Neighborhood Council, by Toby Thaler, attorney-at-law. The City of Seattle ("City"), was represented by Jeffrey Weber, attorney-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 and coordination of Appellant's cases. 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 is January 5, 2018.[1]

2. The parties 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 February 26, 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.

[1] Within the week of January 8th the City will indicate to the Hearing Examiner and the Appellants if the City needs additional time beyond a thirty day response period to provide responses to written discovery.

c. Replies to any responses shall be filed and served no later than 5:00 PM on the date four 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 3, 2018.[2] 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,[3] and preliminary exhibit list, no later than 5:00 PM February 26, 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 March 5, 2018.

7. 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 5:00 PM April 2, 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 April 2, 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.)

8. The City shall file, and serve a copy of, its final witness list, and final exhibit list, no later than 5:00 PM on April 9, 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 April 9, 2018.

The hearing in this matter is scheduled to be held on April 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, April 17-20, 25-27, 30, and May 1 have been reserved on the hearing calendar for continuation of the hearing.

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[2] The Hearing Examiner has set this date following the prehearing conference to avoid motions being filed too close to the hearing date.

[3] 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.

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 15th day of December, 2017.

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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 **Wallingford Community Council, et al.**, Hearing Examiner Files: **W-17-006 – W-17-014** in the manner indicated.

Party	Method of Service
Appellants 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	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger

Fremont Neighborhood Council fremont@louploup.net c/o Toby Thaler toby@louploup.net	
Department Legal Counsel Jeff Weber Assistant City Attorney Jeff.weber@seattle.gov Daniel Mitchell Assistant City Attorney Daniel.mitchell@seattle.gov Geoffrey Wentlandt OPCD Geoffrey.wentlandt@seattle.gov MHA.EIS@seattle.gov	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger

Dated: December 15, 2017

Alayna Johnson
Legal Assistant