

**BEFORE THE HEARING EXAMINER
FOR CITY OF REDMOND**

In the Matter of the Appeal of)	NO. SEPA-2015-01939
)	
)	
Irina Berger)	
)	Berger SEPA Appeal
)	
)	
of the January 29, 2016 Determination of)	
Non-Significance for the)	ORDER REQUIRING RESPONSES
Redmond City Center project at)	TO APPLICANT'S
16135 NE 85th Street)	MOTION TO DISMISS
_____)	

The above-captioned matter is set to be heard by the City of Redmond Hearing Examiner on April 20, 2016. Pursuant to a March 14, 2016 Order In Lieu of Pre-Hearing Conference, counsel for both the Applicant and the City have submitted notices of appearance. The pre-hearing order also requires witness and exhibit list exchange on April 4, 2016 and the submittal of any dispositive motions at the earliest possible date.

On March 31, 2016, counsel for the Applicant submitted a motion to dismiss. It is appropriate to have responses from the other parties and a reply from the Applicant prior to ruling on such a motion.

Therefore, the following order is issued.

Order

1. The **hearing is scheduled for April 20, 2016**; however, at Appellant's request, the time of hearing has been bumped to **1:00 pm**.
2. Because the motion to dismiss was submitted two business days prior to the first document exchange deadline, and because if the motion is not granted the hearing will proceed on April 20th, **Witness and Exhibit list exchange shall still be required April 4, 2016**.
3. The City and the Appellant shall submit responses, if any, to the Applicant's motion not later than April 6, 2016.
4. The Applicant shall submit a brief reply, if any, on April 8, 2016.

5. Any party not wishing to submit a response or reply shall so indicate by an email simply stating that party has no response with regard to Applicant's motion to dismiss.
6. The undersigned shall rule on the motion on April 11, 2016. If the motion is granted, all further deadlines imposed in pre-hearing orders shall be stricken.
7. If the motion is not granted, or is taken under advisement until argument can be presented by the parties, the exhibit exchange deadline of April 13, 2016, by which date all parties shall submit all exhibits including expert witness credentials if any. The City's Staff report on the appeal shall be included in the City's exhibits.
8. Should witnesses and exhibits disclosed by any party cause another party to offer additional witnesses or exhibits, the additional witnesses and/or exhibits shall be disclosed with an Addendum Witness and/or Exhibit List at the earliest opportunity.
9. Pre-hearing legal briefing, if any, shall be submitted not later than April 18, 2016.
10. Deadlines for post-hearing briefing, if any, shall be established on the record at hearing.

Submittals - Note the following requirements:

11. Witness lists shall specify:

- Name and relationship to appeal (appellant, neighbor, expert, etc.)
- If offered as expert, a brief summary of credentials (Transportation Engineer, Wetland Biologist, etc)
- A concise summary of the content of anticipated testimony (Addressing traffic and parking, etc)

12. Exhibit lists shall specify:

- Title and date of document - please give each exhibit a name and date
- If correspondence, to/from parties and date (e.g., "email from ___ to ___ dated ___")
- If photographs, by whom taken, when, and from where taken
- If other materials, identify the source
- Brief summary of content

13. Exhibit and witness lists shall be prepared as numbered Word documents, no tables or columns. A Word version of the documents shall be emailed to the Office of the Hearing Examiner by the date of the hearing at the email address below.

14. For the purpose of satisfying the deadlines above, the witness list, exhibit list, briefing, and the exhibits themselves may be exchanged via email.

15. On or before the day of hearing, each party shall provide a complete paper set to each other party and two sets to the Examiner (one for the official record, one for working copies), or four total sets of hard copies. Note, parties typically also want a copy for themselves to refer to during proceedings.

16. Note: Witness list and exhibit exchange is intended as a good faith effort to disclose all evidence supporting each party's case in order to promote efficiency during the proceedings. However, this matter is an open record appeal hearing, which means new/ previously undisclosed evidence may be offered by any party during their presentation up to the close of the record. Should new witnesses and/or exhibits cause undue surprise to any party at hearing, the record may be held open to allow written rebuttal after adjournment.
17. To be considered timely, submittals shall be sent via email not later than 4:00 pm on the due date identified. All submittals shall be directed to the attention of the Office of the Hearing Examiner at the email address below. The Clerk's office will circulate all communications to all parties and the Examiner.
- Office of the Hearing Examiner
Attention Cheryl Xanthos, Deputy City Clerk
cdxanthos@redmond.gov
18. In order to avoid *ex parte* contact: At no time should any party email the Examiner directly absent exigent circumstances, and all parties should be cc'd on such urgent communications.
19. Clarifying questions about this order and any other procedural questions may be directed to the Examiner via email to the same contact information above.

Ordered April 1, 2016.

By:



Sharon A. Rice
Redmond Hearing Examiner