

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner File:  
**W-08-007**

**THE BALLARD BUSINESS APPELLANTS**

from a decision issued by the Director,  
Department of Planning and Development

**PREHEARING  
ORDER**

A prehearing conference was held in this case on January 16, 2009. The Appellant, Ballard Business Appellants, was represented by Joshua C. Allen Brower, attorney-at-law; and the Director, Seattle Department of Transportation (Department), was represented by Judith B. Barbour, Assistant City Attorney. Also present and participating in the conference was Jeffrey M. Eustis, attorney-at-law, on behalf of Cascade Bicycle Club, which has filed a motion to intervene in the case.

At the prehearing conference, the Appellant stated that it did not oppose Cascade Bicycle Club's intervention in this matter. The Department also does not oppose the motion to intervene. Therefore, Cascade Bicycle Club's motion to intervene is **GRANTED**.

The Department moved for dismissal of the Appellant's Issue 4.13 on alternative alignments for the proposal at issue, and the Hearing Examiner granted the motion.

The parties also discussed procedural matters and reached agreement on the following schedule, (all dates are 2009), which is therefore **ORDERED**:

January 23                    The Department shall provide to all other parties copies of all materials considered by the Director in issuing the DNS being appealed.

and

All prehearing motions relating to the issues on appeal shall be filed and served.

January 30                    The Appellant shall file and serve its revised preliminary witness list.\*\*

and

The Appellant shall file and serve its response to any prehearing motions relating to the issues on appeal.

February 6                    Any reply memoranda on motions relating to issues on appeal shall be filed and served.

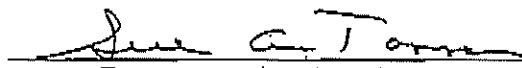
February 25 The Appellant shall file and serve its final witness and exhibit lists,\*\* and shall provide the opposing parties with a copy of any reports produced by its expert witnesses.

March 11 The Department and Intervenor shall file and serve their final witness and exhibit lists\*\* and shall provide the Appellant with a copy of any reports produced by their expert witnesses that were not included in materials provided to the Appellant pursuant to this order.

March 23 at 9:00 a.m. Hearing on the merits of the appeal. (March 24 has also been reserved on the Hearing Examiner's calendar if needed to complete the hearing.)

\*\*Witness lists must include the names of witnesses and a brief summary of their expected testimony. 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 a party may be offered by that party at hearing.

Entered this 16th day of January, 2009.

  
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