

Anticipated Order of Proceedings at Hearing

At the hearing, the following is the anticipated order of business. The Examiner may change the following order of proceedings on motion by a party or at her own discretion.

- Introductory remarks by the Examiner calling the hearing to order and explaining the procedures to be followed.
- Appellant 's case, including witness testimony and introduction of exhibits. Each Appellant witness will be subject to cross examination by the City.
- The City will then present witnesses and exhibits, with cross examination by the Appellant.
- The Appellant may present rebuttal evidence, if any.
- Closing arguments would be heard first from the City and finally from the Appellant; or the parties may request to make closing arguments in writing after adjournment.
- Note: there is no public comment period during the open record appeal hearing. Only persons called as witnesses by the parties will be allowed to testify, and all will be subject to cross examination.
- Conclusion of the hearing - housekeeping, post-hearing scheduling (if any), and identification of decision due date.

The following Order sets the hearing date and also establishes pre-hearing information exchange deadlines with which all parties must comply.

Order

Hearing Scheduling

1. **The appeal hearing is scheduled in the Redmond City Council Chambers on January 18, 2017 at 10:00 am.** If the matter proceeds past noon, a lunch break of one hour will be called. Additional five minute breaks will be called as requested and appropriate. The hearing will proceed until the appeal is completed.

Representation

2. Any party may retain counsel for these proceedings. In the event any party so chooses, the attorney(s) shall submit a notice of appearance at the earliest possible time. Attorneys for any party may submit pre-hearing dispositive motions and should do so at the earliest possible time.

Document Exchange

3. **The parties shall submit Witness and Exhibit Lists (explained below) not later than January 10, 2017.**
4. 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.

5. **On or before January 13, 2017, the parties shall exchange exhibits, including expert witness credentials if any.** The City's Staff report on the appeal shall be included in the City's exhibits.
6. Legal briefing, if any, shall be submitted at or after the hearing. Deadlines for post-hearing briefing responses, if any, shall be established on the record at hearing and may coincide with the ten business day extension on the decision issuance deadline.

Submittals - Note the following requirements:

7. **Witness lists** shall specify:
 - Name and relationship to appeal (appellant, neighbor, expert, etc.)¹
 - 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)
8. **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
9. For the purpose of satisfying the deadlines above, the witness list, exhibit list, briefing, and the exhibits themselves may be exchanged via email.
10. On or before the day of hearing, each party shall provide a complete paper set to the other party and two sets to the Examiner (one for the official record, one for working copies), or three total sets of hard copies. Note, parties typically also want a copy for themselves.
11. Exhibit and witness lists shall be prepared as 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.
12. 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.
13. 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

¹ Note: These instructions relating to witness and exhibit list exchange are generic and used in all pre-hearing scheduling orders. It is not required or expected that all parties would have expert witnesses, transportation engineers, or would bring representatives from the other professions listed as examples.

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

14. 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 any such urgent communications.
15. 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 January 3, 2017.

By:



Sharon A. Rice
Redmond Hearing Examiner