

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

In the Matter of the Appeal of)) Emerald Heights))) of the December 8, 2017) Denial of Requested Extensions for) BLDG-2017-03284 and BLDG-2017-03308) and of the December 12, 2017) Termination of Site Plan Entitlement) LAND-2016-01735) _____))	NO. _____ Emerald Heights Assisted Living Appeal ORDER REVISING SCHEDULE
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At the request of the undersigned, the parties agreed to change the date in the above captioned appeal. This order revises the pre-hearing document exchange schedule and serves as formal notice of the revised appeal date.

Order
Hearing

1. **The appeal hearing is set in the Redmond City Council Chambers on March 26, 2018 at 9:00 am.** The hearing will proceed until the appeal is completed with breaks as appropriate.

Motions

2. No motions schedule was established. The parties may include dispositive motions in pre-hearing briefing, which would be addressed in the decision document.

Document Exchange

3. The parties shall submit Witness and Exhibit Lists (explained below) not later than March 12, 2018.
4. By March 19, 2019, 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.
5. Pre-hearing briefing, if any, shall be submitted on March 19, 2018.
6. Should witnesses and exhibits disclosed by one party cause the other party to offer additional witnesses or exhibits, these shall be disclosed with an Addendum Witness and/or Exhibit List at the earliest opportunity. Addendum exhibit lists shall be numbered to start where the party's original list left off.

7. 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 late disclosure of witnesses and/or exhibits cause undue surprise to any party at hearing, the record may be held open to allow written/ documentary rebuttal after adjournment.

Submittals must comply with the following requirements:

8. Exhibit and witness lists shall be prepared as **auto-numbered Word documents, no tables or columns, numbered 1 through X**. In the decision document each party will be assigned a prefix (e.g., E.1-[x] and C.1-[x]).
9. Witness lists shall specify:
 - Name and relationship to appeal (appellant, neighbor, expert, etc.)¹
 - If offered as expert, a concise statement on the nature of the individual's credentials (Transportation Engineer, Wetland Biologist, etc)
 - A one sentence or less summary of the content of anticipated testimony ("Addressing traffic and parking," etc)
10. Exhibit lists shall specify:
 - Title and date of document - please give each exhibit a name and date
 - If correspondence, the title shall include to/from parties and date (e.g., "email from ___ to ___ dated ___")
 - If photographs, by whom, when, and from where taken
 - If other materials, identify the source
 - Brief summary of content (not more than one sentence)
- 11. For the purpose of satisfying the deadlines above, the witness list, exhibit list, briefing, and the exhibits themselves shall be exchanged via email.**
12. If a very large number of exhibits are exchanged, the Clerk's Office will determine whether to create and distribute a master record including all exhibits, bates stamped for ease of reference during the hearing. If such a master record is prepared, it will be circulated by email within one or two weeks of the hearing. Each party will be required to print their own copies of the master record for use during the hearing, and parties would be expected to refer to the bates stamped page number during testimony.
13. If no master record is created, on or before the day of hearing, each party shall provide a complete paper set of their exhibits to the other party and two sets to the Examiner (one for the official record, one for working copies). Note, parties typically also want a copy for their witnesses.

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.

14. On or before the day of hearing, each party shall email a Word version (not .pdf) of their complete exhibit list (including any in addenda) to the Office of the Hearing Examiner at the email address below.
15. To be considered timely, **submittals shall be sent via email not later than 4:00 pm on the due date identified.** All email 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 email communications to all parties and the Examiner.

Office of the Hearing Examiner
Attention Cheryl Xanthos, Deputy City Clerk
cdxanthos@redmond.gov

16. 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.
17. Should either party desire/need to amend the schedule as issued herein, the attorneys are encouraged to attempt to submit stipulated schedule revisions.
18. 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 30, 2018.

By:



Sharon A. Rice
Redmond Hearing Examiner