

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

In the Matter of the Appeal of)	No. HEA-2018-03
)	No. LAND-2013-01720
Barry Schnell)	
Development Corporation)	Rose Hill Cottages
)	
)	PRE-HEARING ORDER
<u>Of an Administrative Decision</u>)	<i>(Revised May 13, 2018)</i>

TO: Mr. Bryan Telegin, Appellant Attorney
Via email to: telegin@bnd-law.com

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Mr. Jim Haney, City Attorney
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Ms. Cheryl D. Xanthos, Clerk to the Hearing Examiner [for file]
Via email to: cdxanthos@redmond.gov

PLEASE TAKE NOTICE that the Applicant's attorney filed a request for a one-week extension from May 16 to May 23, 2018, to file a prehearing brief, due to schedule conflicts. Appellant and City attorneys both provided email responses that they have no objections. The request is **GRANTED**. The Pre-Hearing Order issued April 11, 2018, is revised as follows:

An open record appeal hearing in the above-referenced case will be held on:

**May 30, 2018, 10:00 AM
City Council Chambers
15670 NE 85th Street,
Redmond, Washington**

ORDER ON APPEAL PROCEDURES

The following order is intended to facilitate a hearing and resolution of this matter:

*Pre-Hearing Order (Revised May 11, 2018)
City of Redmond Hearing Examiner
Schnell Administrative Decision Appeal
No. HEA-2018-03; No. LAND-2013-01720*

1. **Motions:** By **Noon, May 2, 2018**, two paper copies of any motions may be submitted by any party to the Clerk to the Hearing Examiner of the City (who will forward one copy to the Hearing Examiner), with a copy to the other parties. **By Noon, May 9, 2018**, two paper copies of any response to motions may be submitted by any party to the Clerk to the Hearing Examiner of the City (who will forward one copy to the Hearing Examiner), with copy to the other parties.
2. **Briefs:** By **Noon, May 23, 2018**, any party may submit two paper copies of a brief, not to exceed 15 double-spaced pages, to the Clerk to the Hearing Examiner (who will forward one copy to the Hearing Examiner) with a copy to the other parties. **By Noon, May 29, 2018**, any party may submit an electronic PDF copy of a response brief, not to exceed 10 double-spaced pages, to the Clerk to the Hearing Examiner (who will forward a copy to the Hearing Examiner), with a copy to the other parties.
3. **Witness and Document Lists:** By **Noon, May 23, 2018**, the parties shall provide to the other parties, with two paper copies to the Clerk to the Hearing Examiner (who will forward one copy to the Hearing Examiner), the following:
 - a. a witness list
 - b. a documents list
 - c. copies of the documents

The witness list shall include the name, address and telephone number of each witness. If the witness will be providing expert testimony, the witness list shall also identify the witness's area of expertise. Only those witnesses and documents identified shall be allowed at the hearing. Objections to admission may be made at the hearing; if no objection is made the document will be deemed admitted. All parties to the appeal shall have an opportunity to cross-examine witnesses. Copies of documents shall be tabbed and designated as follows: Appellant (A-1, A-2, etc.), Applicant (B-1, B-2, etc.), and City (C-1, C-2, etc.).

4. **Hearing Presentation:** The issues that may be addressed at the appeal hearing are limited to those identified in the appeal statement. The general format of the appeal hearing shall be as follows:
 - a. Introductory remarks by the Hearing Examiner
 - b. Presentation of Appellant witnesses, and cross-examination of those witnesses by the City and Applicant
 - c. Presentation of City witnesses, and cross-examination of those witnesses by the Applicant and Appellant
 - d. Presentation of Applicant witnesses, and cross-examination of those witnesses by the City and Appellant

- e. Closing arguments, if any, by the Applicant, City, and Appellant.
5. The parties are encouraged to discuss settlement and to notify the Clerk to the Hearing Examiner of any settlement reached prior to the scheduled hearing.

SO ORDERED this 11th day of May 2018.



Andrew M. Reeves
Hearing Examiner
Sound Law Center