

# Seattle Waterfront LID Assessment Hearing

## Seattle LID Hearing

**April 2, 2020**



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SEATTLE WATERFRONT LID ASSESSMENT HEARING

BEFORE

HEARING EXAMINER RYAN VANCIL

[Stenographically transcribed via audio recording.]

DATE: APRIL 2, 2020

TRANSCRIBED BY: CARISA KITSELMAN, RPR, CCR 2018

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1 APRIL 2, 2020

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3 HEARING EXAMINER VANCIL: For objectors  
4 represented by Perkins Coie with the primary  
5 representatives who will be speaking on behalf of the  
6 City and Perkins Coie, please introduce themselves.

7 MR. LUTZ: Jerry Lutz, Perkins Coie.

8 MS. LIN: And this is Megan Lin from  
9 Perkins Coie.

10 MR. STILLWELL: Jacob Stillwell with  
11 Perkins Coie.

12 HEARING EXAMINER VANCIL: All three of you  
13 are speaking for Perkins Coie today?

14 MR. LUTZ: No. Probably --

15 HEARING EXAMINER VANCIL: If I could just  
16 have one individual identified, it would be helpful. We  
17 have a telephone conference and it can get confusing. So  
18 if someone else jumps in, if I could have one primary  
19 identified for the City and one for the Perkins Coie, it  
20 would be helpful.

21 MR. LUTZ: Mr. Examiner, Jerry Lutz will  
22 speak primarily for Perkins.

23 HEARING EXAMINER VANCIL: If other people  
24 jump in, that's fine. We're just trying to get for the  
25 record identified who's going to speak on the behalf.

1 MR. LUTZ: Right. And I was going to ask  
2 Megan Lin to speak about the technology just because I am  
3 less facile with those issues.

4 HEARING EXAMINER VANCIL: Okay. And for  
5 the City.

6 MR. FILIPINI: It's Mark Filipini.

7 HEARING EXAMINER VANCIL: Thank you.

8 All right. This morning we're going to go over  
9 some options to see if we can consolidate or seek  
10 efficiencies due to changes in the hearing schedule  
11 and -- and our capacity. And so we're looking with the  
12 objectors, the last time we spoke they had identified  
13 approximately ten witnesses remaining. We had originally  
14 had four and a half days still scheduled for that. And  
15 the objectors were going to be looking at opportunities  
16 for submitting declarations, consolidating witness  
17 testimony to address multiple parties -- I'm sorry,  
18 properties -- as they've been going property by property  
19 in the past.

20 And adoption by reference for other portions of  
21 the hearing. And then we'll get onto hearing schedules,  
22 what days we're going to be able to hold. We're already  
23 postponing -- suspending the hearing to continue today.  
24 And then lastly we'll be discussing options for software  
25 to conduct remote hearing.

1           So with that, let's start with objector. How  
2 did you proceed and what opportunities did you find?

3           MR. LUTZ: We anticipate being able to  
4 submit declarations for owner testimony for their parts  
5 of their cases in chief for the -- I think for the rest  
6 of our presenters. I'm not sure we've -- we've confirmed  
7 with every one of them yet that they would agree to a  
8 declaration. But I think we have everyone. I know we  
9 have almost everyone.

10           HEARING EXAMINER VANCIL: And can you  
11 give -- of the ten witnesses you had, can you break that  
12 down into numbers for me? Which and how many of those  
13 witnesses were owner witnesses as you've identified them?

14           MR. LUTZ: Six. It might be seven if  
15 somebody was to split testimony. But by declaration,  
16 thought that would be okay too.

17           HEARING EXAMINER VANCIL: Sure. Okay. So  
18 you got about six or seven of the ten. Okay.

19           MR. LUTZ: Correct.

20           HEARING EXAMINER VANCIL: Excellent. Thank  
21 you for your efforts to do that and thank your clients  
22 for their willingness to accommodate.

23           MR. LUTZ: Thank you.

24           HEARING EXAMINER VANCIL: And please convey  
25 under the assurance that the declarations will be

1 reviewed with the same interest and attention to detail  
2 that I have with the testimony. And that they will not  
3 be losing anything with the presenting in that manner.

4 MR. LUTZ: In addition, Mr. Examiner, we  
5 think at least one of the remaining experts can present  
6 opinion testimony via declaration and be available for  
7 cross by Skype.

8 HEARING EXAMINER VANCIL: Okay. So that  
9 would leave us with -- what is that? With one expert is  
10 primarily presenting by declaration and then we can make  
11 them available for cross. How many witnesses does that  
12 leave us with still doing video presentation for?

13 MR. LUTZ: Three to four.

14 HEARING EXAMINER VANCIL: Did your numbers  
15 go up?

16 MR. LUTZ: They may have. We have one --  
17 we have one potential additional expert.

18 HEARING EXAMINER VANCIL: Okay. All right.  
19 So we -- we need certainly at least three to four time --  
20 and we need to make sure we have three to four witnesses  
21 available -- sorry. A system set for three to four  
22 witnesses to still appear, potentially one expert would  
23 be added to that for purposes of cross. And maybe --  
24 maybe one of the owners if you're not able to work  
25 something out there; is that right?

1 MR. LUTZ: Correct.

2 HEARING EXAMINER VANCIL: Okay. Excellent.  
3 Thank you -- thank you again for your efforts in that  
4 regard.

5 And I will just leave to you -- we don't  
6 necessarily need to discuss the consolidation of witness  
7 testimony, address multiple properties. You can just  
8 handle that in the course of how you present your  
9 witnesses and declarations and then leave it to you to  
10 handle that?

11 MR. LUTZ: Thank you. But that is our  
12 plan.

13 HEARING EXAMINER VANCIL: Okay. Great.

14 And then, do we -- is there anything that you  
15 need from us today to discuss adoption by reference,  
16 other portions of the hearing? Are you clear how to  
17 proceed with that? I saw some -- there was some e-mail  
18 correspondence on that for clarification.

19 Do you have that now? Or is there anything  
20 additional needed for that.

21 MR. LUTZ: We have that now. It was  
22 confirming what was the record so that what we refer to  
23 will -- will -- will make sense. And -- and  
24 Mr. Edlund-Cho confirmed what was the record, so we're  
25 fine.



1 HEARING EXAMINER VANCIL: Right. And --  
2 and I'm not going to hold your feet to the fire on  
3 details on how that occurs. This is a consolidated  
4 hearing with 400 objectors. There's not a set way to  
5 reference the record. You know, my primary concern has  
6 been with 400 objectors that a stream of constant  
7 information would come into the hearing examiner's  
8 office; after each objector had presented, they decide a  
9 month later they want to submit something. And we really  
10 needed to have some control set on that. And in this  
11 case obviously we have a coordinated professional  
12 representative identifying something in the record to  
13 reference and it's creating an efficiency. So this is --  
14 there's not a set-in-stone way to do this. I think that,  
15 you know, you've gotten some instruction with that. If  
16 you go outside the lines on that, that's fine with me.

17 MR. LUTZ: Thank you.

18 HEARING EXAMINER VANCIL: Okay. Is there  
19 anything more, before we just move on to schedule, is  
20 there anything more we need to discuss on how you're  
21 proceeding with your witnesses?

22 MR. LUTZ: No, thank you.

23 HEARING EXAMINER VANCIL: Okay. All right.  
24 What I'd like to do, we are -- I can give you a bit of an  
25 update where we are with our technology and our process

1 for doing remote hearings.

2 We attempted to do a full hearing on -- starting  
3 on Monday and it did run into enough challenges with our  
4 system -- it was our system primarily -- that we  
5 suspended the hearing. Suspending that hearing and  
6 post -- and canceling today's portion of the Waterfront  
7 LID has given the office of the hearing examiner a week  
8 now to give full focus to developing a remote hearing  
9 system rather than cobbling something together on a  
10 day-by-day basis to be responsive to what the next  
11 situation is. And we're in the process of having our  
12 entire staff remote and able to operate remotely. We'll  
13 be -- we're moving to, for all hearings, a Zoom platform  
14 is what we're using. And developing protocols for that.  
15 So we expect by Monday to be fully up and operating to be  
16 able to do remote hearings. Each of us has our  
17 technology in our homes that's been upgraded. And I  
18 think we're happy with the progress that we've made this  
19 week. And things could change by Monday. It seems day  
20 to day everything does change.

21 But the forecast so far looks good for our  
22 capacity to do remote hearings. And given that, though,  
23 looking at what you got remaining, the objectors had a  
24 schedule that was sort of scheduled over the month of  
25 April and partly because we were just cobbling together

1 dates amongst other hearings.

2 Now we've consolidated the presentation  
3 remaining for objectors and some, or all, of those  
4 hearings are off the calendar. And it would be better  
5 for us if we can consolidate the objectors' dates to a  
6 time that we're certain that we will have all of our  
7 systems functional and -- and just do it all at once  
8 instead of having this spread out period of time we've  
9 got.

10 What I'd like to do, you've got -- with the  
11 number of witnesses you have, let's say -- you said there  
12 might be three to four. So let's say four with an expert  
13 added on. You know, maybe five to six witnesses is what  
14 we're talking about.

15 How much time do each of those witnesses need?  
16 You know, if we had four and a half days, how -- half day  
17 for a witness is certainly not necessary. You've been  
18 more efficient with your witnesses so far than that.  
19 Unless there's some extraordinary change in the nature of  
20 their testimony, it seems like we need certainly less  
21 time than that.

22 MR. LUTZ: The first question is simply the  
23 amount of cross.

24 HEARING EXAMINER VANCIL: Mm-hmm.

25 MR. LUTZ: That comes with the

1 declarations.

2 But apart from that, our main challenge is that  
3 people have been working toward one -- to this schedule.  
4 And so people are still working. But one of our  
5 witness's only availability out of the dates that we had  
6 is April 8th.

7 HEARING EXAMINER VANCIL: Okay.

8 MR. LUTZ: So that -- that just creates  
9 kind of a struggle for us unless we have a different date  
10 where we can reschedule the April 8th person to.

11 HEARING EXAMINER VANCIL: Mm-hmm.

12 MR. LUTZ: And two of the other experts are  
13 really aiming for -- to be prepared for the 13th, 14th.

14 HEARING EXAMINER VANCIL: Right. Okay.

15 Well, that's good. What I -- what I was hoping  
16 to do was put us on the 13th and 14th and add the 16th so  
17 that we're in that same week. We have another hearing  
18 being conducted on the 15th already and can't add that  
19 day.

20 MR. LUTZ: If -- we can certainly check  
21 right away on the availability of the witness who is only  
22 available the 8th out of our earlier days. If he  
23 isn't --

24 HEARING EXAMINER VANCIL: Okay.

25 MR. LUTZ: -- available on the 16th, we

1 will let you know right away.

2 HEARING EXAMINER VANCIL: Okay. Why don't  
3 we do that.

4 And, Mr. Lutz, why don't we do this.

5 Looking at our calendar -- essentially what I'm  
6 trying to do is buy us all some time to make sure that  
7 we're prepared and your witnesses are not scrambling to  
8 do a hearing via remote. And I know everybody has got  
9 other things to pay attention to right now.

10 We've got the 13th and 14th. That's going to  
11 stay on the calendar. If we can -- I'd like to set the  
12 16th for certain today as an opportunity for overflow for  
13 cross or whatever. So that's yours.

14 If -- if necessary to do a different day than  
15 the 16th because of this one individual that needs -- has  
16 a restricted schedule. Our -- we don't have the 15th and  
17 the 17th. And we also do not have the 21st. Those are  
18 all hearing days that are already set.

19 But the following week of the 20th, that would  
20 be Monday the 20th, the 22nd, and 23rd are all also  
21 available.

22 So rather than try to put something sooner than  
23 on the 8th, if we can move it to -- preferably the 16th.  
24 But, if necessary, one of those dates, the 20th, the  
25 22nd, or 23rd, that would be preferable to the 8th.

1 MR. LUTZ: Thank you.

2 HEARING EXAMINER VANCIL: If it's simply  
3 not possible to -- if that is the only time this  
4 individual is available -- and I commend them on  
5 having -- being probably the only person that I've met so  
6 far that's maintained with that severity under these  
7 conditions. But if they -- if that's the only possible  
8 time, we will -- we will do -- I think we'll be ready and  
9 fine for the 8th for one witness. And that's fine. But  
10 just I would like to tidy this up and get us all into a  
11 bundle if we can. Instead of this all-over-the-map  
12 calendar with our witnesses.

13 MR. LUTZ: Understood.

14 HEARING EXAMINER VANCIL: Okay. You can  
15 check that after our meeting. If you find out in the  
16 course of this conference, that's fine. But if we can  
17 find that out some time today, that would be great.

18 Okay. So just to be clear, I'm not going to  
19 issue an order on this. I want to make sure that  
20 everybody is clear on the revised schedule.

21 The 2nd we've already suspended. The 8th, with  
22 the exception of potentially one witness, if they can't  
23 be moved to one of the new dates may continue with one  
24 witness. And the remainder of that -- and the portion of  
25 the day on the 9th are not proceeding for this -- these

1 objectors.

2 And we're consolidating all of that presentation  
3 into the 13th, the 14th, and 16th.

4 And, again, maybe that one witness, if he or she  
5 cannot appear on -- on the 16th, then we'll also -- that  
6 one witness could be accommodated on the 20th, 22nd, or  
7 23rd.

8 Okay. Any questions, concerns, about shifting  
9 the schedule like that before we move on?

10 All right. Thank you.

11 Moving on to options for software to conduct  
12 remote hearing.

13 I looked at the options for -- first of all,  
14 thank you for, both the City and the objectors, for your  
15 offer. You know, we're all scrambling at this time to  
16 try and create a new system in real time which is not  
17 ideal. I feel like my staff is doing pretty good to  
18 actually achieve that. And of the options I looked at,  
19 the BlueJeans seems like it might -- if it's got a limit  
20 of nine, I don't want to do that because we will have --  
21 potentially in the same system, although right now we  
22 maintain a public line if the public wants to phone in  
23 and listen. And right now that is separate from -- it's  
24 a phone line as opposed to part of the party line that,  
25 you know, that we're on for Skype or when we'll be doing

1 Zoom. But it's possible that they could -- that that  
2 could be part of the system. And so we need a system  
3 that can accommodate up to that.

4 I also don't know how many objectors we're going  
5 to have for the cross part of the hearing in late April.  
6 And that's my primary concern. I don't see any reason  
7 that Zoom will not work for, say, the 13th and 14th.  
8 It's a good system and it's -- and we're pleased with the  
9 results we'll get from it.

10 I'm primarily concerned with how to operate in  
11 the larger group with, say, a dozen -- we have a list.  
12 Mr. Edlund-Cho and I went over this last -- yesterday how  
13 many objectors we might have for cross. And this is only  
14 because we know -- now we know that we're going to have  
15 the representatives that we have on the line now for the  
16 objectors from Perkins Coie. And we have, let's see,  
17 one, two, three, four -- maybe five more, that we know,  
18 attorneys. But what we're going to be doing is sending  
19 out notice that -- to all objectors that they will need  
20 to let us know if they intend to participate in that  
21 cross. I don't know what kind of cross we're going to  
22 get with that.

23 Obviously it's not the open invitation. It's an  
24 invitation if you put your case on, if you've actually  
25 been participating, if you're ready to coordinate with



1 other objectors into using the two days set aside. But  
2 we still could get another batch of objectors who feel  
3 that they want to participate in the cross. And so we'll  
4 know those numbers better later. That's the system  
5 complication that I'm focused on.

6 Zoom will handle everything. It may -- and  
7 probably will handle that as well. But honestly it's a  
8 procedural -- possibly just a procedural concern that I  
9 have around that.

10 But as far as a platform goes, I think we're  
11 looking good for Zoom.

12 The one that I -- in looking up the options that  
13 you all sent, I did not have time to look up the City  
14 option that you offered. And so the options I got from  
15 Perkins Coie, I think we can -- we don't need those.  
16 Zoom will be fine compared to the options there. But I  
17 think it was Webex that the City offered, and I didn't  
18 have a chance to run a comparison for Zoom for that. So  
19 maybe if you could explain that to us a bit and we can  
20 have some idea. If that would be better for some reason,  
21 that would be great. Otherwise, we'll be working with  
22 Zoom.

23 Is the City there? Hello.

24 MR. FILIPINI: Yes. I may have been muted.  
25 Computer voice just came on and said you are no longer --

1 HEARING EXAMINER VANCIL: Good. Okay. I'm  
2 just glad to know I wasn't the only one that was -- all  
3 right. As long as I've still got you on the line. We've  
4 had so many shutdowns lately, I'm starting to get a  
5 twitch in my neck every time a phone shuts off or the  
6 internet.

7 But, yeah. Please proceed and let us know about  
8 Webex if that's an option we should explore.

9 MR. FILIPINI: Sure. Sure. And I've got  
10 my colleague Chris Bordone [phonetic] on the line to talk  
11 about Webex. And, Chris, maybe you could give a sense of  
12 the difference between Webex and Zoom for this sort of  
13 hearing.

14 MR. BORDONE: I think -- can you all hear  
15 me, first of all?

16 HEARING EXAMINER VANCIL: Yes.

17 MR. BORDONE: So I think from the webcast  
18 compared to -- or Webex compared to Zoom perspective, I  
19 think somebody had mentioned that participants on the  
20 BlueJean side, for example, was, I think, nine for a max.  
21 For Webex, we can support actually up between 500 or a  
22 thousand participants in one meeting.

23 And from what I understand, we're also trying to  
24 do video from our offices, our Seattle office actually.  
25 We did a test call just to make sure that that works.

1 And we had no issues with that. I guess still trying to  
2 gather from the call here is to see how many participants  
3 would need to be seen over the video if we decide to  
4 utilize the Webex application or if most participants  
5 will be, you know, joining just by phone and would just  
6 need to participate in some sense audio only.

7 HEARING EXAMINER VANCIL: Right. And  
8 that's -- the numbers really go up when we talk about  
9 public access to the hearing. I don't think that we will  
10 have -- and I could be wrong -- but I don't think we'll  
11 have total, including the hearing examiner, City, their  
12 expert, and objectors cross-examining the witness, let's  
13 say, 20 active participants in the hearing. Everyone  
14 else will be passive, would not be allowed to  
15 participate. They can listen only.

16 MR. BORDONE: Okay.

17 MR. FILIPINI: Yeah. That could be --  
18 should be pretty easy from the Webex. One of the reasons  
19 we liked Webex was just for the direct as well. Because  
20 as Chris said, we can broadcast it out for hundreds, if  
21 needed.

22 HEARING EXAMINER VANCIL: And so can you  
23 give me some sense of comparison between Zoom and Webex.  
24 Part of what we're -- the concern here too, is control  
25 over the recording, the record. You know, is there

1 something about Webex that it would be better --

2 MR. BORDONE: I think there's a lot of  
3 comparison between Zoom and Webex in the sense that the  
4 host can control the meeting, meaning that they can start  
5 and end recordings. They can mute, unmute participants,  
6 as needed. They can set the -- you know, the standards  
7 for the boundaries ahead of time. Meaning that all  
8 participants can come in muted. And like I said, the  
9 host can mute and unmute as needed.

10 For video locations, we can actually pin certain  
11 video sites. So whoever is speaking and does need to  
12 participate via video can be shown to all on the Webex at  
13 any point.

14 So we do have control of that as well. I'm not  
15 familiar with the Zoom interface of how those additional  
16 options work. But I -- like I said, I know with Webex we  
17 can do that, if that helps.

18 HEARING EXAMINER VANCIL: Okay. I think  
19 what I'll do is my team and I will research Webex and see  
20 if there's some benefit that it will provide that allows  
21 the hearing to go forward that is not provided by Zoom.  
22 But we don't necessarily need to do something different  
23 just for the sake of doing it. You know, we're going to  
24 be -- we feel confident in the Zoom process to be able to  
25 conduct the hearing. But right now I don't have enough

1 familiarity with the Webex to say, yeah, let's do it. It  
2 sounds like a great product that would work. But so far  
3 Zoom is standing up as a functional system as well.

4 So we'll take that in-house and take a look at  
5 it, and let you know if we want to proceed that way no  
6 later than probably midweek next week.

7 But, again, I thank -- I thank both of the  
8 parties for providing options for that. And it really  
9 speaks to the professionalism and civilities, if you  
10 will, for the representatives to be participating and  
11 acting as officers of the court by providing options.

12 With that, is there anything else that we need  
13 to address today as part of the of prehearing conference?

14 MR. LUTZ: Mr. Examiner, this is Jerry Lutz  
15 again. I have two related -- well, two independent  
16 questions that both also relate to schedule.

17 The first is the request that we had,  
18 notwithstanding your desire to consolidate things for  
19 some ability to provide trailing information at the  
20 end -- well, sometime after May 20th to incorporate, at  
21 least for the hotels, the economic information related to  
22 COVID for March and April.

23 HEARING EXAMINER VANCIL: Okay. And glad  
24 you had a question because that reminds me we didn't set  
25 a due date for your written submissions either.

1 MR. LUTZ: That was my other issue.

2 HEARING EXAMINER VANCIL: Okay. Good.

3 All right. So do you have a proposal for timing  
4 on both of those that I can consider?

5 MR. LUTZ: Well, the -- the best solution  
6 for us would be sometime after May 20th. And it could be  
7 declaration to describe COVID, at least as to the hotels.  
8 And then the closing brief at the same time. So maybe  
9 May 31st. Or, you know, the end of May as the -- giving  
10 us ten days after the -- the information comes in to  
11 prepare the declarations and the closing argument.

12 HEARING EXAMINER VANCIL: Let me tell you  
13 the schedule we have right now. And I -- I won't change  
14 that schedule for this item.

15 Right now we have the City doing its closing --  
16 or it's case in chief, I should say, they're doing that  
17 on the 27th and 28th. And then we have the 29th and 30th  
18 set aside for the cross.

19 After that, all objectors and presentation by  
20 video and remote hearings, or even in-person hearing,  
21 will be over.

22 The objectors who participate in cross will have  
23 an opportunity to submit a briefing on their -- I guess  
24 rebuttal or comment or response to the -- anything that  
25 came up from cross. But only on that narrow issue. Now

1 everybody has had an opportunity during the hearing to  
2 represent their arguments and make their closing  
3 statements and all of that. So there's no need to have  
4 additional briefing, except with regard to what arises  
5 from cross where obviously objectors participating in  
6 cross don't get a chance to comment on that if they've  
7 participated in cross, if they didn't get a chance to do  
8 briefing, that that would be the end of the record. So  
9 I'm giving them a brief chance to respond to cross for  
10 one week after the 30th.

11 And then the City will have one week to respond  
12 to whatever briefing is submitted. That's our schedule  
13 right now. I don't want to go beyond that because I need  
14 time to write a massive decision. And I right now have  
15 the rest of May set aside for that. And I can't disrupt  
16 that entire schedule for this one item. We're going to  
17 be running into June with, I guarantee, the whole show of  
18 hearings that are being postponed right now because of  
19 COVID-19.

20 So if you can fit yourself within that schedule,  
21 that's what's necessary. I need everything done by no  
22 later than -- and this is including a chance for the City  
23 to respond, no later than May 15th.

24 MR. LUTZ: Oh --

25 HEARING EXAMINER VANCIL: And I'll allow

1 you to submit the information. But, again, it's not  
2 going to disrupt the whole hearing schedule.

3 MR. LUTZ: Okay. Let me -- can I ask,  
4 again -- and this was part of the question. So before we  
5 get to the trailing information from the hotels.

6 Are you expecting a closing statement before the  
7 City goes? Or can we consolidate our closing statement  
8 into one filing five days after the City  
9 cross-examination finishes?

10 HEARING EXAMINER VANCIL: No. Just to  
11 clarify. There's no -- once your hearing session  
12 closes -- is done, there's no opportunity to submit  
13 closing after that. No party has been afforded that  
14 opportunity. You have to do it during the time that  
15 your -- you can do an oral closing if you want. Or you  
16 can, if you want to do something in writing, it needs to  
17 come in during the time you've been allotted. Because  
18 that gives you -- it gives the City the time to see it  
19 and actually be prepared to respond to it when they go  
20 on. We can't just keep the record open for additional  
21 closing after -- after hearing presentation.

22 And given that we're on April 2nd right now,  
23 there's plenty of time to prepare that.

24 MR. LUTZ: So we would prepare a closing  
25 statement, written or -- written, oral, or both, for the



1 16th or whatever our finding day is.

2 HEARING EXAMINER VANCIL: Yes. Yeah.

3 MR. LUTZ: And then we have a limited --

4 HEARING EXAMINER VANCIL: Let's plan that  
5 for the 16th if you need it. If the one witness  
6 continues to the 20th or 22nd, if there's some need to  
7 have supplemental closing, you can do it on that date for  
8 that witness.

9 MR. LUTZ: Okay.

10 HEARING EXAMINER VANCIL: Now, let's get  
11 back to your -- your request about the hotels, though.

12 MR. LUTZ: Thank you.

13 HEARING EXAMINER VANCIL: Given -- given  
14 the information you've got now on the schedule that we're  
15 operating under, what timeline do you want to proceed  
16 with for getting that information into the information  
17 and having the City have an opportunity to review and  
18 respond?

19 MR. LUTZ: The -- there is preliminary  
20 weekly information. So by April -- and it trails, I  
21 think, by a week. So by April 16th you'll have -- you  
22 will not still have the full report for March, which is  
23 going to be available April 20th. And April is going to  
24 be -- I mean, as you can probably imagine, some of the  
25 hotels are still open. A number of our hotels are

1 closed. The ones that are open, you know, have occupancy  
2 rates of, maybe, 3 percent. Although they may be  
3 getting -- one of them may be getting to host a group of  
4 out-of-town health care workers that are coming in to  
5 supplement the -- the available health staff here.

6 And the information is relevant to demonstrating  
7 just how dramatically the hotels have been affected. And  
8 the experts can talk about the expected recovery curve  
9 for the hotel industry is relevant to how you calculate  
10 their market.

11 So the two months would be available as of  
12 May 20th. One month would be available as of April 20th.  
13 So if we could file something, like, five days later.  
14 And, again, I'm assuming there's no disruption in the  
15 reporting because of COVID. But there [distortion] seem  
16 to have been so far.

17 So I think if we had five days from April 20th,  
18 that would let us have one full report for March. And I  
19 guess probably two weeks of April data to submit for the  
20 record. And --

21 HEARING EXAMINER VANCIL: All right. It  
22 sounds like you've got a rolling calendar, though. You  
23 don't have to wait until five days after the 20th to  
24 submit information you've gotten on the 16th.

25 MR. LUTZ: That is true. But we don't have

1 the interim reports for the -- for the full month of --  
2 of March until the 20th.

3 HEARING EXAMINER VANCIL: Right. Well, why  
4 don't you consolidate whatever information you can during  
5 the time you got your hearing -- and I do want to be  
6 careful about this. I understand the argument that  
7 you're raising. And I understand that you're indicating  
8 that COVID-19 will have economic impacts on the hotel  
9 clientele. And that is -- as I understand, it will  
10 impact the projections for income for this year, perhaps  
11 future years. I'll leave that to you to argue it. And  
12 that that's relative to your -- to the estimates of  
13 income for the assessments that will be covering the next  
14 five years.

15 And so one thing I want to be really careful  
16 about is we don't want to put COVID-19 on trial here. I  
17 don't want the whole thing about that. I'll accept the  
18 information. And I also want to be careful about getting  
19 into the weeds and getting so granular on every dollar  
20 that's going to be lost to it. I think it's more of a  
21 conceptual argument, hey, we're going to be hit hard by  
22 this. And here is what we think that's going to look  
23 like. So you can do that in the form of projections and  
24 estimates as well. And without specific dollar amounts  
25 down into March. You know, we're not going to -- we

1 can't hold the hearing for -- I'm sorry, May -- for every  
2 business that's going to be impacted or individual that's  
3 going to be impacted in the future. I think you got to  
4 present your argument within the time you've got.

5           So if you -- my suggestion is that you present  
6 it within the time you're being allotted, 13th, 14th,  
7 16th. If you want to submit the report that comes in on  
8 the 20th, I guess -- I'm -- you know, you cut off the  
9 City for having any opportunity for response if you wait  
10 another five days. What's the extra five days for from  
11 the 20th?

12           MR. LUTZ: It was just to put a declaration  
13 on it from the appraiser to describe how the results  
14 affect the valuations.

15           HEARING EXAMINER VANCIL: All right. Well,  
16 we're April 2nd right now. It seems to me that they're  
17 going to be able to write that, almost 90 percent of it,  
18 without the specific details of what's in the report.  
19 You know, it's going to be bad is what they've got to  
20 say. One way or another.

21           It seems to me that that can be largely  
22 addressed through declarations at -- during the 13th,  
23 14th, and 16th. If you want to supplement it with  
24 something -- you know, I guess what I'm getting at, you  
25 kind of need to be ready to get something out on the 20th

1 when it comes. And maybe have another day or so. But I  
2 need the City to have an opportunity to review that, and  
3 five days is not -- is essentially taking up all the time  
4 before the City is also presenting.

5 MR. LUTZ: Understood. We will do our best  
6 to work with our experts to make -- to meet that  
7 schedule.

8 HEARING EXAMINER VANCIL: Okay. So we're  
9 going to -- the record will be left open for this item.  
10 Let me correct that.

11 The record will allow for this item to be  
12 presented during the 13th, 14th, and 16th, in whatever  
13 form the objectors chose. There will be -- the record  
14 will be left open for the final full month report to come  
15 in that's due on the 20th. And a declaration can be  
16 added to supplement what's already been submitted  
17 earlier. And so that report, and the declaration, will  
18 be due on the 21st, end of day. And I -- we can skip the  
19 business end of day too. Let's just go to midnight on  
20 that if you need more time.

21 MR. LUTZ: Thank you.

22 HEARING EXAMINER VANCIL: But the City then  
23 will have an opportunity for just a few days to review  
24 that before they go.

25 Okay. I need to pause for just a moment and

1 write those dates down.

2 Okay. The other item we need to address is the  
3 due date for the declarations you'll be submitting for  
4 the other witnesses. Let's say the last day of your  
5 presentation, the 16th.

6 MR. LUTZ: Yes.

7 HEARING EXAMINER VANCIL: Okay. Does that  
8 address the two questions you had?

9 MR. LUTZ: Yes, Mr. Examiner.

10 HEARING EXAMINER VANCIL: All right. City,  
11 you didn't get a chance to weigh in on that timing,  
12 scheduling conversation. Would you please -- I would  
13 like to hear from you.

14 MR. FILIPINI: Sure. That -- can you hear  
15 me?

16 HEARING EXAMINER VANCIL: Yes.

17 MR. FILIPINI: Okay. My question, I guess,  
18 would be on the cross-examination, if they're going to  
19 get until the 16th to submit declarations, if that's the  
20 last day of their case in chief, I'm not sure when we  
21 would get a chance to cross-examine those witnesses.

22 HEARING EXAMINER VANCIL: Okay. And  
23 let's -- we can change that date. We can move it to the  
24 13th and then you can do it -- the cross-examination  
25 could occur during the times we've set aside. And I

1 guess my question for the City is, with declarations,  
2 you're being given the opportunity to submit declarations  
3 during your --

4 MR. FILIPINI: Right.

5 HEARING EXAMINER VANCIL: -- closing. Are  
6 you expecting that you're going to -- if somebody submits  
7 a declaration that there's an oral opportunity for  
8 cross-examination? Or do you need an opportunity for a  
9 written response to the declaration? And remember the --  
10 just remember the can of worms you're going to open if  
11 they get to do the same thing with your declarations that  
12 you submit on the 27th, 28th.

13 MR. FILIPINI: Right. No. The opportunity  
14 to put in a written declaration, sort of responding to  
15 what we see in their declaration, that would be fine. I  
16 just wasn't clear from earlier in the call if -- you  
17 know, if there was an expectation of oral  
18 cross-examination. But, no, we're fine, if they put in  
19 declarations via witnesses, the objectors, the City could  
20 likewise respond to those via declarations.

21 HEARING EXAMINER VANCIL: Okay. All right.  
22 If that's the case, if you're doing it by written, is the  
23 16th adequate for you to prepare those by your dates  
24 of -- you you know, honestly there's no reason for you to  
25 have those written declarations in your cases. Your time

1 is the 27th to the 30th, even though two of those days is  
2 dedicated to cross. So you can have them in by the 30th.

3 MR. FILIPINI: Yes. That would be fine.

4 HEARING EXAMINER VANCIL: Okay. Okay.

5 Either party have questions, concerns, about the schedule  
6 we've set? Is there something we're missing as far as  
7 opportunity for parties to proceed?

8 MR. FILIPINI: Nothing from the City, no.  
9 Seems fine.

10 MR. LUTZ: I'm thinking through the process  
11 here because normally we would have the witness, cross,  
12 and then reply to the cross. And I had actually  
13 anticipated that we would be having oral cross of the  
14 witnesses who are submitting declarations. But it sounds  
15 like you have a different plan for that. There's some  
16 opportunity, and maybe it's just in connection with the  
17 limited response to the City's case in chief where we  
18 have the limited reply that we could also use that to  
19 reply to information in their responsive declarations to  
20 our case.

21 HEARING EXAMINER VANCIL: So your briefing  
22 concerning the -- anything that comes up from cross on  
23 the 29th and 30th would be due May 8th time.

24 MR. LUTZ: And my question is would May 8th  
25 submittal also include reply to any declarations of the



1 City submitted on April 30th as -- submitted as being  
2 essentially cross or rebuttal to our declarations?

3 HEARING EXAMINER VANCIL: Yes.

4 MR. LUTZ: Okay. Thank you.

5 HEARING EXAMINER VANCIL: Okay. Sorry.

6 I'm just making sure I've got all the dates down.

7 MR. LUTZ: Mr. Examiner, I guess I do have  
8 one other question. And this is for -- for the group,  
9 really. We have Mr. McCauley's deposition transcript,  
10 and not knowing what the City intends to present from  
11 Mr. McCauley in their case in chief, is it acceptable for  
12 us to file the deposition transcript and use it as part  
13 of our closing on the 16th?

14 MR. FILIPINI: And I would say just from  
15 the City, you know, that we designated portions of that  
16 as confidential.

17 MR. LUTZ: Correct.

18 MR. FILIPINI: So one -- yeah. One of the  
19 things we would, you know, would be -- we would object to  
20 would be filing the entire transcript in your case in  
21 chief.

22 MR. LUTZ: Right. So we would still have  
23 to deal with the confidential portion in another way.

24 But apart from that, the nonconfidential  
25 portions we could use is -- is, I guess, my request to

1 start with.

2 HEARING EXAMINER VANCIL: Does the City  
3 have any objection to that?

4 MR. FILIPINI: No. To the nonconfidential  
5 portions, no. That's fair.

6 HEARING EXAMINER VANCIL: All right. So  
7 we'll allow that, Mr. Lutz. The way we'll do it is I'll  
8 ask that you submit a copy in advance of the 16th --  
9 sorry.

10 So you want to submit a copy of that to the  
11 record on the 16th. The -- what I'll ask is that you  
12 work with the City -- that you submit a copy to them  
13 first. What I'm going to ask you to do is do a redacted  
14 version. And what I would like to ask is that there be  
15 an effort to identify, I guess, or create a stipulated  
16 version of that deposition that could be submitted on the  
17 16th.

18 MR. LUTZ: Yes, sir.

19 HEARING EXAMINER VANCIL: Okay. If  
20 there's -- if there's a dispute on that, we can address  
21 it on that date. Or before that, frankly, we can do it  
22 on the 13th too, if you're ready.

23 So between -- when do you expect you would be  
24 able to get a proposed redacted version to the City?

25 MR. LUTZ: I'm going to let Megan answer

1 that one.

2 MS. LIN: So I think by the 14th, at least.  
3 We need to go through those areas that we've designated  
4 confidential and make sure there aren't any areas we want  
5 to de-designate. And then work with the City, maybe  
6 through next week. So by the 14th. Does that work?

7 HEARING EXAMINER VANCIL: City, does that  
8 work for you?

9 MR. FILIPINI: Yes. Yes, sir.

10 HEARING EXAMINER VANCIL: Okay. All right.  
11 Okay. I think we have identified everything for this --  
12 these matters, scheduling.

13 Is there anything else anyone wanted to address?

14 MR. FILIPINI: This is just Mark Filipini  
15 for City.

16 Given subsequent conversation about the  
17 declaration process, submitting them from objectors or  
18 receiving them from objectors and then our responding, I  
19 take it that we would not have oral cross-examination of  
20 the one witness -- expert witness that Perkins plans to  
21 put on. But I just wanted to confirm that.

22 If that's the plan, we would be fine including  
23 that witness in the same process where Perkins would  
24 submit a declaration and we would have time to respond.  
25 But I just wanted to throw that out there because I know

1 it could affect timing at hearing. And also --

2 HEARING EXAMINER VANCIL: Certainly --

3 MR. FILIPINI: -- just to be clear if we're  
4 expected to cross.

5 HEARING EXAMINER VANCIL: Yeah, no. I  
6 appreciate the question.

7 As I understand it, Mr. Lutz was offering that  
8 expert when we were talking about timing, suggesting  
9 that, okay, we'll do a declaration. And the City may  
10 want to do cross in person, to the degree that's what  
11 we're actually doing. And my -- I don't need it to be  
12 one way or the other. And if the City is okay with doing  
13 declarations for all of them and just being consistent  
14 with all witnesses, that's fine. If you think there's  
15 something different with an expert and you need an  
16 opportunity to do oral cross, I think we've got time on  
17 the schedule to accommodate that. And that would be one  
18 less declaration you would have to write and one less  
19 reply to a declaration that the -- that the objectors  
20 would have to write.

21 But --

22 MR. FILIPINI: Okay.

23 HEARING EXAMINER VANCIL: So --

24 MR. FILIPINI: That makes sense to me. And  
25 there is, I think, something different about an expert.

1 So if we have an opportunity to conduct oral cross, that  
2 would be fine. I just wanted to clarify.

3 HEARING EXAMINER VANCIL: Okay. Well,  
4 yeah. And thank you for -- so let's clarify that. Make  
5 sure everybody is sure what we're doing then.

6 For that one expert, Mr. Lutz, you identified  
7 one expert that would be able to provide opinion by  
8 declaration, but that would be available for cross during  
9 the 13th, 14th, or 16th. Let's proceed with that as part  
10 of the oral presentation. The City --

11 MR. LUTZ: Yes, sir.

12 HEARING EXAMINER VANCIL: -- will not  
13 respond to the declaration by written argument.

14 MR. LUTZ: Okay. Thank you.

15 HEARING EXAMINER VANCIL: Okay.

16 MS. LIN: This is Megan. I just have a  
17 quick question on that.

18 Given that this is a two-way street, does that  
19 also mean that if the City submits a declaration for an  
20 expert, that we will be given the opportunity to orally  
21 cross-examine that expert during the City's presentation?

22 HEARING EXAMINER VANCIL: Well, that's  
23 opening a box that I was almost avoiding for this  
24 conversation because I'm realizing that we are going to  
25 have that problem. But let's go ahead and go there.

1 City, what are your intentions for declarations  
2 for your portion of the hearing?

3 MR. FILIPINI: Yeah. We are of  
4 anticipating having a mix lay witness declarations, but  
5 also some expert declarations. Expert to the extent  
6 members of Mr. McCauley's team. So we've been, you know,  
7 looking at the testimony that has come in so far. And  
8 trying to put as much of our case responding to that into  
9 declarations as possible. I haven't started drafting  
10 them, but that's our anticipation.

11 So, you know, I'd be happy to -- at one point we  
12 had talked about -- and, again, conceptually, the idea of  
13 us submitting declaration and then the objectors having a  
14 chance to respond. We're open, if that's orally or via  
15 declaration. So if we have to go -- if it's going to be  
16 declaration for our guys, then that means that we just  
17 submit a declaration in response to the expert from  
18 Perkins that we were just talking about, then we're happy  
19 with that too.

20 HEARING EXAMINER VANCIL: Yeah.

21 Well, so there's a couple things there.

22 One, first, what I'm realizing as a course from  
23 this, the City will be submitting declarations. Right  
24 now the hearing examiner has only identified for the  
25 objectors the opportunity to submit additional written

1 argument by May 8th in response to what came up as a  
2 result of cross. And then we identified one other item  
3 that would come in during that that I've got here in my  
4 note.

5 What we did not identify -- and I haven't  
6 identified for all objectors throughout this process, is  
7 how do we address the City's declarations that are  
8 submitted. Clearly there needs to be an opportunity for  
9 objectors to respond to those. We do not have time to do  
10 oral cross-examinations on those given the schedule that  
11 we have.

12 But within the schedule we have -- what I'll do  
13 is we'll open the briefing that's due on May 8th to  
14 include a response from objectors to any declarations  
15 submitted by the City. That will be due May 8th. And  
16 then, of course, the City will have an opportunity to  
17 essentially redirect or reply on their May 15th date.

18 And what I'll ask objectors is in your -- the  
19 other question, then, is the way the question was phrased  
20 is if the City is getting a chance to do oral cross of  
21 the objectors' one expert, then will the objectors have  
22 an opportunity to do that with City's experts that submit  
23 by declaration.

24 And I'm going to leave that to you to tell me.  
25 If you feel like if you're going to get one expert cross

1 orally that you should be able to do that for all of the  
2 City's, then we'll simply stick with the declaration  
3 process for that witness and we're not going to do  
4 oral -- oral cross. The City will simply just do a  
5 briefing in response in accordance with the schedule we  
6 have for the others. Because I don't want that one  
7 witness changing our whole process whereby the objectors  
8 all, not just Perkins Coie, but all of the objectors then  
9 get a chance to all orally do cross of those experts'  
10 submitted testimony -- expert testimony submitted by the  
11 City by declaration. Because then, again, we've got  
12 another whole hearing process of a week or two that we  
13 add into May.

14 So what's your preference, Ms. Lin?

15 MS. LIN: I, I guess, we've identified  
16 maybe one expert. And the City has said that they plan  
17 to rely on lay and expert declarations.

18 Does the City have just a sense of about how  
19 many expert declarations we're looking at?

20 MR. FILIPINI: So I don't have a sense of  
21 the -- sorry. Take you off speaker. I don't have a  
22 sense of the total number of declarations yet. I think  
23 it's going to be a handful.

24 In terms of declaring, I think it's going to be  
25 one or two individuals. But there are obviously a number



1 of different objections that have come in that we're  
2 trying to address the declaration [indecipherable]  
3 including those not necessarily that, you know, have had  
4 attorney representation. And then we're going to focus  
5 the time, actual hearing time, on responding to most of  
6 the objections that we've heard from represented parties.  
7 That there are others in the order that we want to  
8 address.

9 So, for instance, the same individual may submit  
10 multiple declarations but aimed at different chunks of  
11 argument that we've heard from the pool of the objectors.

12 MS. LIN: And would that same individual be  
13 submitting -- sorry. Submitting declarations sometimes  
14 as a lay witness and sometimes as an expert witness?

15 MR. FILIPINI: No --

16 MS. LIN: Or an expert is an expert --  
17 okay.

18 MR. FILIPINI: Yeah, yeah, yeah. And, you  
19 know, so far it would be our pool folks on the expert  
20 side would be Mr. McCauley and his team that, you know,  
21 worked in the final benefit study. And then lay  
22 witnesses would almost certainly just be City personnel.  
23 Potentially others -- other lay witnesses but nobody on  
24 Mr. McCauley's team and no appraisers or anything like  
25 that.

1 MR. LUTZ: Mr. Examiner, this is Jerry.  
2 Just one question on this process. I mean, I could quote  
3 a bunch of Sixth Amendment cases talking about  
4 cross-examination being the engine of truth finding in  
5 any sort of adversarial process. It would be helpful to  
6 us to be able to have at least some opportunity to  
7 request oral cross of a declarant if -- rather than just  
8 submit a competing declaration from our own expert if we  
9 have specific questions to ask.

10 And it may not be based on the way Mr. Filipini  
11 has described how the declarations are going to work that  
12 we're going to have a need to do any of that. But I just  
13 wanted to raise that before we simply went past the  
14 opportunity for cross-examination.

15 HEARING EXAMINER VANCIL: And simply the  
16 way I have to address that is I'm not going to make any  
17 strong effort to accommodate that. If a party wants to  
18 make a motion in that regard, that they absolutely have  
19 to do it, have cross, oral cross, rather than by  
20 declaration, then I'll consider that by motion. But at  
21 this time I'm not going to schedule it because then I've  
22 just blown the whole schedule out for May.

23 MR. LUTZ: Understood. Thank you.

24 HEARING EXAMINER VANCIL: And certainly  
25 with regard to the types of -- the declarations we're

1 talking about with the City, it isn't -- with regards to  
2 what Perkins Coie would do for their clients. It's all  
3 430 objectors. And if everyone is going to suddenly get  
4 to write or cross-examine every witness that the City has  
5 put on, we're going to be in hearing for another two  
6 months. And that's the type of chaos that I've been  
7 trying to avoid with the hearing and we've so far  
8 avoided.

9 But back to the question raised by Ms. Lin. I  
10 could simplify it.

11 Does Perkins Coie feel, out of a sense of  
12 fairness, feel if they have the one witness  
13 cross-examined orally, that that's not fair because the  
14 City is only doing it -- getting their witnesses crossed,  
15 essentially, by declaration, then we can skip that and  
16 just do that one witness by declaration?

17 MS. LIN: And this is Ms. Lin. I think  
18 that it's not just a matter of fairness. Although I  
19 think it would be -- it is fair to allow both sides to do  
20 the same thing. But we also agree with the City's  
21 earlier comments that experts do seem a little bit  
22 different. And we think that the opportunity to orally  
23 cross would make sense.

24 HEARING EXAMINER VANCIL: Maybe you're not  
25 understanding my question.

1 MS. LIN: Oh, sorry.

2 HEARING EXAMINER VANCIL: I'm not giving  
3 Perkins Coie the option to orally cross every expert from  
4 the City. That's not being offered as an option.

5 This is just simply a question, and it's why I  
6 put in it's a matter of fairness, but the line that's  
7 being drawn, that the City has been invited to submit  
8 declarations. Largely, without any prompting from me,  
9 the very purpose that they've identified, again, we have  
10 400-plus objectors, many of them have not even really put  
11 a case on but they put something on and they do need to  
12 be responded to. And it would take days to respond to  
13 all of that. But if they can do it in writing, it could  
14 simplify things quite a bit. It's not a hard line or  
15 limit; that's not the only reason they can submit  
16 declarations. But it sounds like that's the direction  
17 they're heading. It's an efficient use of that.

18 Those declarations that the City will be  
19 submitting as part of their case, the hearing examiner at  
20 this time is not allowing oral cross for those  
21 declarants. You will have an opportunity to respond in  
22 writing by May 8th. And then the City will have a  
23 redirect reply on the 15th.

24 The only question I had for you was you raised  
25 this in the context of a single expert that Perkins was

1 going to put on. And saying, hey, if we -- if they're  
2 getting to do all that in writing, how come they get to  
3 cross-examine one of ours orally. If that's an issue for  
4 you still, then we simply put your expert in a category  
5 of all of the others that you have, what is it, six or  
6 seven owners that will be submitting declarations. And  
7 the City can proceed in writing with that instead of  
8 doing oral cross.

9 MS. LIN: I'll let Jerry answer that.

10 MR. FILIPINI: We're happy to go in  
11 writing. This is Mark. I mean, I do think it should  
12 be --

13 HEARING EXAMINER VANCIL: I think that was  
14 clear. The City is happy to go either way. So it's  
15 really up to Perkins Coie if there's an issue with doing  
16 oral cross, then we'll address that by having the City go  
17 in writing.

18 MR. LUTZ: I'm not going to insist that you  
19 cross our expert orally if that's the question. I -- I  
20 do anticipate we may be filing at least one motion asking  
21 for oral cross of a declarant that's an expert by the  
22 City, depending on what we see. But I understand the  
23 need to proceed by motion and certainly there's no  
24 obligation of the City to orally cross our experts that's  
25 submitted by declaration.

1 HEARING EXAMINER VANCIL: Okay. Well, just  
2 to simplify things then and out of respect and fairness.  
3 The parties -- the City will need to submit its -- to  
4 handle that expert by -- in writing. The declaration  
5 will come in writing, and the City will have an  
6 opportunity to respond to that in the schedule that we've  
7 got already outlined with the other declarants that  
8 Perkins intends to submit.

9 MR. FILIPINI: Okay.

10 HEARING EXAMINER VANCIL: I think we have a  
11 schedule set. Are there any other questions, concerns,  
12 before we sign off?

13 MR. LUTZ: None from Perkins Coie, Your  
14 Honor.

15 MR. FILIPINI: None from the City.

16 HEARING EXAMINER VANCIL: All right. Thank  
17 you all for your time. And appreciate your working  
18 through that schedule.

19 I may reconsider when we settle on dates. I  
20 probably will need to get some type of order out in this  
21 regard. I do not know -- I'm not anticipating now that  
22 the order will necessarily address just the dates that we  
23 set for the Perkins matters. But we have discussed dates  
24 that apply to all objectors. And so an order may issue  
25 concerning all of what we'll be doing with regard to City

1 declarations and cross for City witnesses.

2 Thank you, everyone.

3 MR. LUTZ: Thank you.

4 MR. FILIPINI: Thank you.

5 (End of recording.)

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STATE OF WASHINGTON  
COUNTY OF KITSAP

I, Carisa Kitselman, a Certified Court Reporter  
in and for the State of Washington, do hereby certify  
that the foregoing transcription is true and accurate to  
the best of my knowledge, skill, and ability.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal this 23rd day of April, 2020.

*Carisa Kitselman*

CARISA KITSELMAN, RPR, CCR #2018

