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BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

CENTRAL PUGET SOUND TRANSIT
AUTHORITY,

Petitioner,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL21-001

CITY’S REQUEST FOR REPLY ON
PARTIAL MOTION TO DISMISS
FOR LACK OF JURISDICTION

REQUEST FOR REPLY

The City requests that the Hearing Examiner allow the City to submit a Reply to Sound Transit’s Response to City’s Partial Motion to Dismiss for Lack of Jurisdiction. The Reply would consist only of a transcript of the one-hour long hearing before the Honorable Judge Ramseyer on the City’s Motion to Dismiss in the Land Use Petition Act (“LUPA”) case filed by Sound Transit. The transcript contains a discussion between the City’s counsel and Judge Ramseyer explaining the City’s consistency in positions between the partial motions to dismiss filed in this proceeding and the motion to discuss Sound Transit’s LUPA action. The transcript is thus necessary to rebut Sound Transit’s allegations that the City is taking different positions before different tribunals.

1 The City has contacted King County Superior Court for the audio of the hearing and
2 Buell Realtime Reporting for a transcript of same and anticipates being able to file the
3 transcript with the Hearing Examiner between the end of day on March 2nd and noon on
4 March 3rd.

5
6 DATED this 1st day of March, 2021.

7 MADRONA LAW GROUP, PLLC

8
9 By: /s/ Kim Adams Pratt
10 Kim Adams Pratt, WSBA No. 19798
11 Eileen M. Keiffer, WSBA No. 51598
12 *Attorneys for the City of Mercer Island*
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DECLARATION OF SERVICE

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I, Tori Harris, declare and state:

1. I am a citizen of the State of Washington, over the age of eighteen years, not a party to this action, and competent to be a witness herein.

2. On the 1st day of March, 2021, I served a true copy of the foregoing City’s Request for Reply on Partial Motion to Dismiss for Lack of Jurisdiction on the following counsel of record using the method of service indicated below:

<p>Stephen G. Sheehy, WSBA No. 13304 Sound Transit / Legal Department 401 South Jackson Street Seattle, WA 98104-2826</p> <p>Co-Counsel for Petitioner</p>	<p><input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: stephen.sheehy@soundtransit.org <input type="checkbox"/> EService pursuant to LGR</p>
<p>Patrick J. Schneider, WSBA No. 11957 Steven J. Gillespie, WSBA No. 39538 Michelle Rusk, WSBA No. 52826 Foster Garvey PLLC 1111 Third Avenue, Suite 3000 Seattle, WA 98101</p> <p>Co-Counsel for Petitioner</p>	<p><input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: pat.schneider@foster.com steve.gillespie@foster.com michelle.rusk@foster.com <input type="checkbox"/> EService pursuant to LGR</p>

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 1st day of March, 2021, at Seattle, Washington.



Tori Harris