

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)
Appellant,) PCHB 01-160
CITIZENS AGAINST SEATAC) ORDER GRANTING APPELLANT'S
EXPANSION,) MOTION TO PUBLISH DEPOSITIONS OF
Intervenor,) ECOLOGY MANAGERS AND CR 30(b)(6)
DESIGNATED WITNESSES
v.)
STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY and THE)
PORT OF SEATTLE,)
Respondents.)

On March 19, 2002, at 1:00 p.m., during the hearing on the merits, the Board entered its ruling on appellant ACC's Motion To Publish Depositions of Ecology Managers and CR 30(b)(6) Designated Witnesses. Kaleen Cottingham presided for the Board. The parties were represented by Kevin Stock and Michael Witek (for ACC), Rick Poulin (for CASE), Gillis Reavis (for the Port) and Jeff Kray (for Ecology). Kim Otis provided court-reporting services. The following reflects the decisions made after hearing from all parties:

RULING ON MOTION TO PUBLISH DEPOSITIONS

No deposition will be admitted carte blanche.

1 Publication of depositions requested under Rule 32(a)(2) will be conditionally granted for
2 general use. This applies to depositions for: Tom Fitzsimmons, Gordon White and Ray Hellwig.
3 Admission will also be subject to the conditions stated below.

4 Publication of depositions requested under Rule 30(b)(6) will be conditionally granted
5 but only for those matters specifically designated. This applies to depositions for: Ann Kenny,
6 Erik Stockdale, John Drabek, Kevin Fitzpatrick and Peter Kmet. Admission will be subject to
7 the same conditions.

8 In the current case, the submission of any other depositions must also meet the
9 conditions, which are stated as follows:

- 10 1. **Admissibility** – An introductory summary or statement must be attached to the
11 deposition excerpt that indicates what purpose it will be used for or what it will be
12 offered to prove. If the witness is a 30(b)(6) witness, the specific designation must be
13 clearly stated. This statement must also show the basis for admissibility if
admissibility is challenged via objection.
- 14 2. **Highlighting (Excerpting)** – The deposition must be edited in some manner (by
15 highlighting or by page selection) to offer only that portion of the deposition that will
16 be relied on. For 30(b)(6) witnesses, excerpts shall relate only to the specific
17 designation. If a highlighted or excerpted portion of a deposition does not meet these
18 conditions it will not be admitted.
- 19 3. **Counter Provisions** – The offering party must comply with CR 32(a)(4) in that the
20 opposing party may require another section to be included in order to achieve fairness
21 in presentation. Both sections must be presented simultaneously.
4. **Objections** – Objections that require the exclusion of the evidence if the witness were
present testifying must be attached to the introductory statement to facilitate ruling.
5. **Timing** – The opposing party will be granted, at minimum, one full day to review and
respond to the offering party's submission. If additional time is needed the opposing
party must make a request to the presiding officer on the record.

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ORDER

This order supplements all prior orders. All prior orders shall govern the proceedings, unless subsequently modified by order of the Board for good cause upon a party's motion or the Board's volition.

SO ORDERED this 19th day of March, 2002.

POLLUTION CONTROL HEARINGS BOARD


KALEEN COTTINGHAM
Presiding