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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION
and CITIZENS AGAINST SEA-TAC
EXPANSION,

Appellants,

v.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY, and THE
PORT OF SEATTLE,

Respondents.

PCHB No. 01-160

**PORT OF SEATTLE'S RESPONSE TO
APPELLANTS' MOTION TO STRIKE
THE PORT'S PRE-HEARING BRIEF**

The Board should deny Appellants' motion to strike the Port of Seattle's prehearing brief. ACC and CASE decided to combine their respective pages so they could jointly file a 60-page brief, thereby assuming that the 30-page limit amounted to a 60-page "per side" page limit. More significantly, however, ACC and CASE made extremely liberal use of footnotes – 117 of them – to squeeze in additional text. The footnotes are in ten-point type, rather than 12-point, and were single-spaced. The footnotes were not reserved for citations or quotes; instead, they contain a great deal of argument that should have been placed in the main body of the brief. Had

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1 those footnotes appeared as normal double-spaced text, Appellants' brief would have been 12-15
2 pages longer than it was.

3 Although the Port believed that ACC's manipulation of the briefing guidelines was
4 inappropriate, the Port determined that filing a motion to strike ACC's brief would divert
5 everyone's attention, including the Board's, from the merits of the case. The parties are working
6 very hard to prepare for trial, so that the evidence on the merits can be presented efficiently and
7 persuasively. Focusing on formatting issues seems less than productive.
8

9 The Port's counsel used "exactly 24-point" line spacing, as many attorneys do, because it
10 allows the text to align with the numbers on the left-hand margin used in pleading paper. This is
11 another way of expressing "double spacing" since, in printer's terms, 12 point is single spacing.
12 That formatting is consistent with the Civil Rules and is commonplace. The margin issues
13 mentioned by ACC are either erroneous or insignificant.
14

15 Rather than debate the fine points of formatting, the Port suggests that the Board
16 consider, as ACC chose to do, the number of pages filed per side in this case. As noted above,
17 ACC and CASE jointly filed a brief than just ran over onto the 61st page. Ecology filed a 24-page
18 brief, one-half page of which contains only the caption. If, as Appellants erroneously contend,
19 the Port's brief should be treated as 37 pages long, then between them Ecology and the Port filed
20 60 pages of briefing. Since each side has filed the same number of pages, no "side" (or party) has
21 any basis for complaint.
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1 DATED this 15th day of March 2002.

2 **PORT OF SEATTLE**

3 Tanya Barnett for

4 Linda J. Strout, General Counsel,
5 WSBA No. 9422

6 Traci M. Goodwin, Senior Port Counsel,
7 WSBA No. 14974

FOSTER PEPPER & SHEFELMAN PLLC

Tanya Barnett for

Roger A. Pearce, WSBA No. 21113
Steven G. Jones, WSBA No. 19334

8 **BROWN REAVIS & MANNING PLLC**

9 Tanya Barnett for

10 Jay J. Manning, WSBA No. 13579
11 Gillis E. Reavis, WSBA No. 21451

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