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POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,	)	
	)	PCHB No. 01-160
Appellant,	)	
	)	ORDER GRANTING APPELLANTS'
v.	)	MOTION IN LIMINE TO EXCLUDE
	)	LATE-PRODUCED PLANS AND
STATE OF WASHINGTON,	)	REPORTS
DEPARTMENT OF ECOLOGY; and	)	
THE PORT OF SEATTLE,	)	<b>(Proposed)</b>
	)	
Respondents.	)	

Airport Communities Coalition and Citizens Against Sea-Tac Expansion ("Appellants") having filed a motion to exclude evidence in this matter; the Board, having reviewed the memoranda filed in favor of and in opposition to the motion, and any reply thereto and being otherwise informed, IT IS HEREBY ORDERED:

1. Appellant's Motion In Limine To Exclude Late Filed Plans and Reports is GRANTED.
2. Respondents proposed Exhibit No. 1320 (the Embankment Modeling Report) and proposed Exhibit No. 2055 (the Supplemental Wetlands Technical Memorandum) are excluded.
3. The additional untimely plans and reports identified by Appellants (Exhibit Nos. 1026, 1300, 1303, 1310, 1311, 1312, 1314, 1315, 1319, 1321, 1322, 1323, 2051, 2056, and 2128 are excluded.

PCHB 01-160

ORDER GRANTING APPELLANTS' MOTION IN LIMINE  
TO EXCLUDE LATE PLANS AND REPORTS

HELSELL FETTERMAN LLP

1500 Puget Sound Plaza  
1325 Fourth Avenue  
Seattle, WA 98101-2509

Rachael Paschal Osborn

Attorney at Law  
2421 West Mission Ave.  
Spokane, WA 99201

ORIGINAL

AR 002276

1 4. Respondents may not rely on any of the excluded exhibits, or testify regarding them at the  
2 hearing.

3 5. Portions of pre-filed testimony relying upon these exhibits are stricken.

4 6. Within seven days of entry of this Order, Appellants will indicate to the Board the portions  
5 of pre-filed testimony that should be stricken.

6 SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

7 POLLUTION CONTROL HEARINGS BOARD

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10 \_\_\_\_\_  
11 KALEEN COTTINGHAM, Presiding

12  
13 \_\_\_\_\_  
14 ROBERT V. JENSEN, Member

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16 \_\_\_\_\_  
17 WILLIAM LYNCH, Member

18 Presented by:

19 HELSELL FETTERMAN LLP

20 \_\_\_\_\_  
21 Peter J. Eglick, WSBA No. 8809

22 Kevin L. Stock, WSBA No. 14541

23 Michael P. Witek, WSBA No 26598

24 \_\_\_\_\_  
25 Rachael Paschal Osborn, WSBA No. 21618

Attorneys for Airport Communities Coalition

1 Approved as to Form;  
2 Notice of Presentation Waived:

3 PORT OF SEATTLE

4  
5 

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Linda J. Strout, General Counsel, WSBA No. 9422  
6 Traci M. Goodwin, Senior Port Counsel, WSBA No. 14974

7 FOSTER PEPPER & SHEFELMAN PLLC

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10 Steven G. Jones, WSBA No. 19334

11 BROWN REAVIS & MANNING, LLP

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15 Attorneys for Port of Seattle

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17 CHRISTINE O. GREGOIRE, Attorney General

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21 Thomas J. Young, WSBA No. 17366  
22 Jeffrey B. Kray, WSBA No. 22174  
Assistant Attorneys General

23 Attorneys for Department of Ecology

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PCHB 01-160  
ORDER GRANTING APPELLANTS' MOTION IN LIMINE  
TO EXCLUDE LATE PLANS AND REPORTS - 3

HELSELL FETTERMAN LLP  
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POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION )  
And CITIZENS AGAINST SEA-TAC )  
EXPANSION, )

No. 01-160

CERTIFICATE OF SERVICE

Appellant, )

v. )

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

Respondents. )

I, Michael P. Witek, one of the attorneys for appellant Airport Communities Coalition,  
certify that:

I am now, and at all times herein mentioned was, a resident of the State of Washington, a  
citizen of the United States, and over the age of eighteen years.

On March 12, 2002, I caused to be hand-delivered Appellants' Motion In Limine To  
Exclude Late-Produced Plans And Reports; and the Declaration of Michael P. Witek in Support  
of Appellants' Motion In Limine To Exclude Late-Produced Plans and Reports; to:

**ORIGINAL**

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Attorney at Law  
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CERTIFICATE OF SERVICE - 1

AR 002279

1 Mr. Jeff Kray  
2 Assistant Attorneys General  
3 Ecology Division  
4 2425 Bristol Court S.W., 2<sup>nd</sup> Floor  
5 Olympia, WA 98504

Mr. Steven Jones  
Port of Seattle, Legal Dept.  
2711 Alaskan Way, Pier 69  
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6 Mr. Stephen Tan  
7 Brown, Reavis & Manning LLP  
8 1191 Second Avenue, Suite 2200  
9 Seattle, WA 98101

Mr. Steven Jones  
Foster Pepper & Shefelman  
1111 Third Avenue, Suite 3400  
Seattle, WA 98101

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

12 DATED this 14<sup>th</sup> day of March, 2002, at Seattle, Washington.

13   
14 Michael P. Witek

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CERTIFICATE OF SERVICE - 2

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**AR 002280**