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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
)	TESTIMONY OF ECOLOGY'S DAVE
STATE OF WASHINGTON,)	GARLAND
DEPARTMENT OF ECOLOGY; and)	
THE PORT OF SEATTLE,)	(Proposed)
)	
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:

- Appellant's Motion In Limine To Exclude Testimony of Ecology's Dave Garland is GRANTED.
 - 2. The Pre-filed testimony of Dave Garland is Excluded.
 - 3. Ecology is barred from offering the testimony of Dave Garland at hearing.

AR 002345

PCHB 01-160
ORDER GRANTING APPELLANTS' MOTION IN LIMINE
TO EXCLUDE TESTIMONY OF ECOLOGY'S DAVE
GARLAND - 1

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

1	4. Ecology is precluded from rel	ying at the hearing, in any way, on the March 6, 2002
2	memoranda from Dave Garland to Ann Kenn	y regarding the December 2001 Low Flow Plan.
3	SO ORDERED this day of _	, 2002.
4		POLLUTION CONTROL HEARINGS BOARD
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6		
7		KALEEN COTTINGHAM, Presiding
8		
10		DODEDT V JENSEN Mombon
11		ROBERT V. JENSEN, Member
12		
13		WILLIAM LYNCH, Member
14	Presented by:	
15	HELSELL FETTERMAN LLP	
16	Millount	
17	Peter J. Eglick, WSBA No. 8809 Kevin L. Stock, WSBA No. 14541	
18	Michael P. Witel WSBA No 26548	
19	Rachael Paschal Osborn, WSBA No. 21618	
20		
21	Attorneys for Airport Communities Coalitio	II.
22		
23 24		AR 002346
25		AR 002340

2	Notice of Presentation Waived:		
	PORT OF SEATTLE		
3			
4	Lind I Grand Consul Consul WGDANI 0400		
5	Linda J. Strout, General Counsel, WSBA No. 9422 Traci M. Goodwin, Senior Port Counsel, WSBA No.	. 14974	
6	FOSTER PEPPER & SHEFELMAN PLLC		
7			
8			
9 10	Roger A. Pearce, WSBA No. 21113 Steven G. Jones, WSBA No. 19334		
11	BROWN REAVIS & MANNING, LLP		
12			
13 14	Jay J. Manning, WSBA No. 13579 Gillis E. Reavis, WSBA No. 21451		
15	Attorneys for Port of Seattle		
16 17 18	CHRISTINE O. GREGOIRE, Attorney General		
19			
20	Joan M. Marchioro, WSBA No. 19250 Thomas J. Young, WSBA No. 17366	-	
21	Jeffrey B. Kray, WSBA No. 22174 Assistant Attorneys General		
22	Attorneys for Department of Ecology		
23 24			AR 002347
25	g:\lu\acc\pchb\order-mtnregarland.doc		AIT VOLUM
	PCHB 01-160 ORDER GRANTING APPELLANTS' MOTION IN LIMINE	HELSELL FETTERMAN LLP 1500 Puget Sound Plaza	Rachael Paschal Osbor Attorney at Law

1325 Fourth Avenue

Seattle, WA 98101-2509

2421 West Mission Ave.

Spokane, WA 99201

TO EXCLUDE TESTIMONY OF ECOLOGY'S DAVE

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