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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,

Appellant,

v.

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

Respondents.

No. PCHB 01-160

MOTION IN LIMINE TO QUASH
SUBPOENA OF LINDA LOGAN

Appellant Airport Communities Coalition ("ACC") has served on attorneys for the Port of Seattle a subpoena for Parametrix employee Dr. Linda Logan to testify at the hearing before the Pollution Control Hearings Board. ACC has also served the attorneys for the Port a notice pursuant to Civil Rule 43(f), which purportedly requires Dr. Logan's attendance at the hearing before the Pollution Control Hearings Board. A copy of the subpoena and the notice are attached at Tabs A and B. Respondent Port of Seattle requests the Board to quash both the subpoena and the notice for two independent reasons.

First, Dr. Logan does not appear on the final witness list for any party. A copy of ACC's final witness list is attached at Tab C. Dr. Logan's name does not appear on that witness list. A copy of the Port of Seattle's final witness list is attached at Tab D. Dr. Logan's name does not

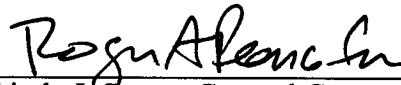
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1 appear on that witness list. The third pre-hearing order entered by the Board in this matter requires
2 as follows: "In order for a witness to be called, that witness must appear on the final witness lists
3 which have already been filed with the Board." Accordingly, both the subpoena and the notice
4 naming Dr. Logan should be quashed.

5 Second, the notice given pursuant to Civil Rule 43(f) is defective. Under CR 43(f), only the
6 attendance of a party or the managing agent of a party may be required at the trial. Dr. Logan is an
7 employee of Parametrix, Inc., not an employee of the Port of Seattle. She is neither a party nor the
8 managing agent of a party. For this second reason, the notice to appear at trial should be quashed.


9 DATED this 11th day of March, 2002.

10
11 PORT OF SEATTLE

12 

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

15 FOSTER PEPPER & SHEFELMAN PLLC

16 

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

19 BROWN REAVIS & MANNING PLLC

20 

21 Jay J. Manning, WSBA No. 13579
22 Gillis E. Reavis, WSBA No. 21451

23 Attorneys for Port of Seattle
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CERTIFICATE OF SERVICE

Holly Simmelink, Certified PLS, certifies that on March 11, 2002, she served the foregoing document on the following persons by the means specified below:

Joan M. Marchioro
Department of Ecology
2425 Bristol Court S.W., 2nd Floor
Olympia, Washington 98502
By Facsimile and US Mail

Peter J. Eglick
Kevin L. Stock
Michael P. Witek
Helsell Fetterman LLP
1500 Puget Sound Plaza
1325 Fourth Avenue
Seattle, WA 98101-2509
By Messenger

Rachael Paschal Osborn
2421 W. Mission Avenue
Spokane, WA 99201
By Facsimile and Federal Express

Richard A. Poulin
Smith & Lowney, P.L.L.C.
2317 East John Street
Seattle, WA 98112
By Messenger

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

Executed this 11th day of March 2002, at Seattle Washington.


Holly Simmelink, Certified PLS

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)	
	)	PCHB No. 01-160
Appellant,)	
and	)	SUBPOENA FOR TRIAL
)	
CITIZENS AGAINST SEATAC	)	(APPEAL OF CLEAN WATER ACT
EXPANSION,	)	SECTION 401 CERTIFICATIONS
	)	#1996-4-02325, #1996-4-02325
Intervenor,	)	(AMENDED-1) FOR THIRD RUNWAY
v.	)	AND RELATED MASTER PLAN
	)	UPDATES)
DEPARTMENT OF ECOLOGY and)	
THE PORT OF SEATTLE,)	
)	
Respondents.)	

TO: Linda Logan; and

TO: Roger Pearce and Steven G. Jones; Jay J. Manning and Gillis E. Reavis; and Linda Strout and Traci Goodwin, Attorneys for Port of Seattle

GREETINGS:


Pursuant to WAC 371-08-400 and RCW 34.05.446, you are hereby commanded to be and appear before the Pollution Control Hearings Board, at 4224 Sixth Avenue S.E., Building 2, Rowe 6, Lacey, WA 98504, at 9:00 a.m., between March 18, 2002, and March 29, 2002, unless you call us and arrange for a special time to appear, then and there to testify as a witness on

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1 behalf of the Airport Communities Coalition in the above-entitled cause, and to remain in
2 attendance on said Board until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

3 DATED THIS 13 day of March, 2002.

4 HELSELL FETTERMAN LLP

5
6 By 
7 Peter J. Eglick, WSBA #8809
8 Kevin L. Stock, WSBA #14541
9 Michael P. Witek, WSBA #26598
Attorneys for Airport Communities Coalition

10 GALUACCPCHBVTRIAL SUBPOENA-LOGAN

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25 SUBPOENA FOR TRIAL - 2

HELSELL
FETTERMAN
A Limited Liability Partnership

1500 PUGET SOUND PLAZA P.O. BOX 21846
SEATTLE, WA 98111-3846 PH: (206) 292-1144

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)	
	)	PCHB No. 01-160
Appellant,)	
and	)	NOTICE TO ATTEND TRIAL TO PORT
CITIZENS AGAINST SEATAC	)	OF SEATTLE
EXPANSION,)	
Intervenor,	)	(APPEAL OF CLEAN WATER ACT
	)	SECTION 401 CERTIFICATIONS
v.	)	#1996-4-02325, #1996-4-02325
	)	(AMENDED-1) FOR THIRD RUNWAY
DEPARTMENT OF ECOLOGY and	)	AND RELATED MASTER PLAN
THE PORT OF SEATTLE,	)	UPDATES)
)	
Respondents.)	
)	

To: Port of Seattle; and

To: Jay J. Manning and Gillis E. Reavis; Linda Strout and Traci Goodwin; and Roger Pearce and Steven J. Jones, Attorneys for Port of Seattle

Please take notice that, pursuant to CR 43(f) the Airport Communities Coalition ("ACC") requests attendance of the following Port personnel (or agents) at the Pollution Control Hearings Board ("PCHB" or "Board") hearing in this action:

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FETTERMAN**
A Limited Liability Partnership

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Paul Fendt

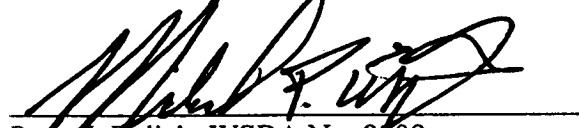
Linda Logan

Scott Tobiason

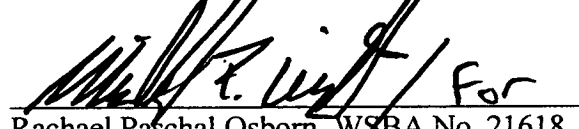
Each of the above identified Port personnel or agents are requested to appear between March 18, 2002, and March 29, 2002, to testify as witnesses on behalf of ACC and remain there until excused by the Board. If the identified persons fail to attend the hearing as requested, the sanctions provided in CR 43(f) may be applied by the Board.

DATED this 6th day of March, 2002.

HELSELL FETTERMAN LLP



Peter J. Eglick, WSBA No. 8809
Kevin L. Stock, WSBA No. 14541
Michael P. Witek, WSBA No. 26598

 For

Rachael Paschal Osborn, WSBA No. 21618

Attorneys for Airport Communities Coalition

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)
) PCHB No. 01-160
Appellant,)
v.) APPELLANT AIRPORT
) COMMUNITIES COALITION'S
DEPARTMENT OF ECOLOGY and) LIST OF WITNESSES
THE PORT OF SEATTLE,)
)
Respondents.)
)

ACC may call the following as witnesses at the hearing on the merits of this matter. ACC reserves the right to modify this list in response to issues, witnesses or exhibits disclosed in discovery (which is ongoing¹) or proposed or raised by the Port or Ecology, and/or for purposes of rebuttal. ACC further reserves the right to call all other witnesses listed by other parties or who have or will submit testimony, written or oral, in this appeal.

Witnesses from Department of Ecology:

- Ann Kenny
- Ray Hellwig
- Kevin Fitzpatrick
- John Drabek
- Erik Stockdale
- Ching-Pi Wang

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¹ As of February 20, six depositions remain to be taken or continued (Ann Kenny, 2/20; Charles Ellingson, 2/20; Scott Tobiason, 2/20, Pat Lucia, 2/22; Kelly Whiting, 2/28; and Joe Stohr, 2/28). Additionally, ACC has recently been provided with large volumes of documents and computer disks from Hart Crowser, Parametrix and their subcontractors produced by the Port pursuant to ACC's discovery requests. Because the discovery deadline coincides with the date for submission of this Witness List, ACC has not yet been able to evaluate fully whether additional witnesses should be listed.

- 1 Tom Fitzsimmons
- 2 Gordon White
- 3 Bob Barwin
- 4 Chung Ki Yee
- 5 Steve Alexander
- 6 John Wietfeld
- 7 Roger Nye
- 8 Dave Garland
- 9 Pete Kmet
- 10 Dan Swenson
- 11 Joe Stohr
- 12 George Schlender
- 13 Ed O'Brien
- 14 Douglas Rushton

Witnesses from Port of Seattle:

- 11 Paul Agid
- 12 Keith Smith
- 13 Joe Brascher
- 14 Donald Weitkamp
- 15 C. Linn Gould
- 16 Elizabeth Clark
- 17 Michael Riley
- 18 John Strunk
- 19 Michael Bailey
- 20 Scott Tobiason
- 21 Charles "Pony" Ellingson
- 22 Jim Kelley
- 23 Paul Fendt
- 24 Norm Peck

ACC Witnesses:

- 21 Tom Luster
- 22 Amanda Azous, Azous Environmental Sciences
- 23 Dyanne Sheldon, Sheldon & Associates
- 24 Bill Rozeboom, Northwest Hydraulic Consultants
- 25 Malcolm Leytham, Northwest Hydraulic Consultants
- Dr. Peter Willing, Water Resources Consulting, Inc.
- Dr. John Strand, Columbia Biological Assessments
- Dr. Patrick Lucia, GeoSyntec Consultants

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1 Dr. Ed Kavazanjian, GeoSyntec Consultants
2 Bob Olander, City of Des Moines
3 Sally Nelson
4 Greg Wingard, Waste Action Project


4 **Other Witnesses:**

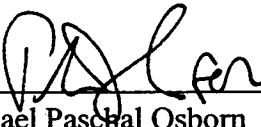
5 Kelly Whiting, King County DNR
6 David Masters, King County DNR
7 Kate Rhoads, King County DNR
8 Kate Snider, Floyd & Snider
9 Katie Walter, Shannon & Wilson
10 Paul Tappel, P.E.

9 DATED this 20 day of February, 2002.

10 HELSELL FETTERMAN LLP

11
12 By:

11 
12 _____
13 Peter J. Eglick, WSBA #8809
14 Kevin L. Stock, WSBA #14541
15 Michael P. Witek, WSBA #26598
16 Attorneys for Appellant

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12 _____
13 Rachael Paschal Osborn
14 WSBA # 21618
15 Attorneys for Appellant

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,

Appellant,

v.

DEPARTMENT OF ECOLOGY and
THE PORT OF SEATTLE,

Respondents.

No. PCHB 01-160

RESPONDENT PORT OF SEATTLE'S
LIST OF WITNESSES AND EXHIBITS

Pursuant to the Board's Prehearing Order, respondent Port of Seattle identifies the following list of witnesses that it may call and exhibits that it may introduce at the hearing on the merits.

I. WITNESSES

Respondent Port of Seattle ("Port") submits the following list of potential witnesses who may be called at the hearing in this matter:

1. Paul Agid
Port of Seattle
Aviation Project Management Group
17900 International Blvd., Suite 301
SeaTac, WA 98188
2. James C. Kelley, Ph.D.
Parametrix, Inc.
5808 Lake Washington Blvd. NE, Suite 200
Kirkland, WA 98033-7350
3. William Stubblefield
ENSR Toxicology
4303 West LaPorte Avenue
Ft. Collins, CO 80521

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- 4. Donald E. Weitkamp, Ph.D.
Parametrix, Inc.
5808 Lake Washington Blvd. NE, Suite 200
Kirkland, WA 98033-7350

- 5. Paul S. Fendt, P.E.
Parametrix, Inc.
5808 Lake Washington Boulevard Northeast
Kirkland, Washington 98033

- 6. Michael Bailey, P.E.
Hart Crowser, Inc.
1910 Fairview Ave. E.
Seattle, WA 98102-3699

- 7. Keith R Smith
Water Resources Manager
Port of Seattle
17900 International Blvd., Suite 402
SeaTac, WA 98188-4236

- 8. Elizabeth Leavitt
Port of Seattle
17900 International Blvd.
Seattle, WA 98188

- 9. Michael Cheyne
Port of Seattle
Aviation Project Management Group
1006 S. 170th Street
P.O. Box 68727
Seattle, Washington 98168

- 10. Elizabeth Clark
15505 63rd St. Ct. East
Sumner, WA 98390

- 11. John Strunk
Associated Earth Sciences Inc.
179 Madrona Lane N.
Bainbridge Island, WA 98110

- 12. Joseph Brascher
Aqua Terra Consultants
Olympia, Washington

- 13. Charles Ellingson
Pacific Groundwater Group
2377 Eastlake Avenue E.
Seattle, WA 98102

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- 14. Jan Cassin, Ph.D.
Parametrix, Inc.
5808 Lake Washington Blvd. NE
Kirkland, Washington 98033

- 15. Charles Wisdom, Ph.D.
Parametrix, Inc.
5808 Lake Washington Blvd. NE
Kirkland, Washington 98033

- 16. Mike Riley
S.S. Papadolpolous & Associates, Inc.
222 Kenyon Street, N.W.
Olympia, WA 98502

- 17. Linn Gould
Erda Environmental
2015 14th Avenue East
Seattle, WA 98112

- 18. Steve Swenson
R.W. Beck, Inc.
1001 4th Avenue, Suite 2500
Seattle, WA 98104

In addition, the Port reserves the right to call any witness presented at the hearing by appellant Airport Communities Coalition or by respondent Department of Ecology. The Port also reserves the right to call additional witnesses necessary to rebut evidence introduced by ACC at the hearing on the merits in its case in chief.

II. EXHIBITS

The Port designates the following documents as potential exhibits that may be introduced as exhibits at the hearing in this matter in the Port's case in chief. In addition to the documents listed below, the Port also designates all documents designated either by the Airport Communities Coalition or by respondent Department of Ecology. The Port reserves the right to designate additional exhibits in order to rebut issues and evidence raised by ACC or for the purpose of impeachment of ACC's witnesses, or to rebut opinions and testimony of which the Port has not been informed to date through this proceeding or through discovery. Finally, the Port may use