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ENVIRONMENTAL
HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,

Appellant,

PCHB No. 01-160

CITIZENS AGAINST SEA-TAC
EXPANSION,

Intervenor/Appellant,

**JOINDER OF RESPONDENT PORT
OF SEATTLE IN THE DEPARTMENT
OF ECOLOGY'S MOTION IN
LIMINE RE: WAC 371-08-475**

v.

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

Respondents.

TO: THE CLERK OF THE POLLUTION CONTROL HEARINGS
BOARD;

AND TO: ALL COUNSEL OF RECORD;

Respondent the Port of Seattle ("Port") hereby joins in the Department of Ecology's motion in limine to exclude the testimony of Thomas R. Luster pursuant to WAC 371-08-475(7). Given the overwhelming preponderance of legal and regulatory opinions stated in the testimony, the Port requests that the Board exclude Mr. Luster's testimony in its entirety or, in the alternative, require that it be resubmitted in a manner that eliminates all opinion testimony.

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1 Since ER 701 prohibits admission of opinion testimony by lay witnesses except in
2 very limited circumstances not applicable here, and since WAC 371-08-475(7) precludes Mr.
3 Luster from serving as an expert, all opinion testimony by Mr. Luster should be excluded.

4 DATED this 5th day of March, 2002.

5
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7 Attorneys for the Port of Seattle

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9 By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of March, 2002, served a copy of the foregoing Joinder in Motion in Limine on the following persons, via facsimile and U.S.

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