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**BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON**

AIRPORT COMMUNITIES
COALITION,

Appellant,

CITIZENS AGAINST SEA-TAC
EXPANSION,

Intervenor/Appellant,

v.

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

Respondents.

PCHB No. 01-160

ECOLOGY'S RESPONSE TO ACC'S
MOTION TO EXTEND THE
DISCOVERY SCHEDULE

The Airport Community Coalition's ("ACC") Motion to Extend the Discovery Schedule contains three requests: (1) to extend the discovery cutoff until February 25, 2002; (2) to extend the time for filing the ACC's final exhibit list to March 1, 2002; and (3) to extend the time for filing the ACC's Prefiled Direct Testimony to March 1, 2002. Ecology agrees that the discovery cutoff should be extended, but only until February 15, 2002. Ecology opposes the ACC's other requests.

The ACC has refused to make its experts available for deposition. The ACC also has refused to proceed with depositions of the Port of Seattle's ("Port") witnesses. The ACC noted the Port's witnesses for deposition then refused to proceed with them. The ACC's

1 reason for canceling the depositions is that it needs to visit the site. However, the ACC's need
2 to visit the site has not prevented it from proceeding with depositions of Ecology's witnesses.
3 Also, the ACC's experts already have provided extensive testimony in this matter without
4 needing a site visit. Because of the ACC's cancellations, there are now too many depositions
5 remaining to be completed by February 1. Therefore, Ecology supports extending the
6 discovery cutoff until February 15, 2002.

7 Ecology opposes the ACC's requests to extend the time for filing its final exhibit list
8 and the time for filing its prefiled direct testimony. The ACC's proposal would unnecessarily
9 compromise Ecology's ability to prepare its responsive direct testimony, which is currently
10 due on February 28, 2002. The ACC's proposal also would unfairly prejudice Ecology's
11 ability to prepare for cross-examination of the ACC's witnesses. Since the ACC's experts
12 already have provided extensive testimony in this matter, they should be able to meet the
13 current deadline for filing prefiled direct testimony on February 15. Also, the Port has
14 indicated a site visit may be arranged by the end of January. Therefore, there should be
15 sufficient time for the ACC to analyze the results of the site visit and prepare its prefiled direct
16 testimony by February 15. The ACC should not be allowed to unilaterally disrupt the
17 schedule that the Board established, after extensive consultation with the parties, in its
18 Prehearing Order.

19 DATED this 18 day of January, 2002.

20 CHRISTINE O. GREGOIRE
21 Attorney General

22 

23 THOMAS J. YOUNG, WSBA # 17366

24 JEFF KRAY, WSBA # 22174

25 JOAN M. MARCHIORO, WSBA # 19250

26 Assistant Attorneys General

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State of Washington

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**BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON**

AIRPORT COMMUNITIES COALITION,

Appellant,

CITIZENS AGAINST SEA-TAC
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STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY; and
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Respondents.

PCHB No. 01-160

CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, I certify that on January 18th, 2002, I caused to be served Ecology's Response to ACC's Motion to Extend the Discovery Schedule and this Certificate of Service, in the above-captioned matter to be served upon the parties herein, as indicated below:

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AR 004761

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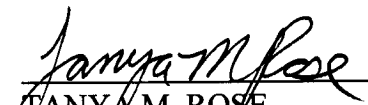
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20 the foregoing being the last known business addresses.

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

23 DATED this 18th day of January, 2002, in Olympia, Washington.

24 
25 TANYA M. ROSE
26 Legal Assistant

AR 004762