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CITY OF SEATTLE

SEP 15 2002

CIVIL SERVICE COMMISSION

BEFORE THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

IN RE THE APPEAL OF

Rayonna C. Tobin,
Appellant,

v.

City of Seattle
Department of Design
Construction and Land Use,

Respondent.

ORDER TO SHOW CAUSE
WHY APPEAL SHOULD NOT BE
DISMISSED

CSC APPEAL No. 02-01-007

On June 28, 2002, the Executive Director of the Civil Service Commission conducted the first pre-hearing conference in the above-captioned matter. The Appellant appeared on her own behalf. The Respondent-department appeared through its attorney-of-record. Following the first pre-hearing conference, on June 28, 2002, the Executive Director issued the "FIRST PRE HEARING CONFERENCE ORDER, ISSUE AND SCHEDULE," which set the second pre-hearing conference for Tuesday, October 15, 2002 and the Hearing for November 12, 13, and 14, 2002. The June 28th Order further established a discovery schedule, created during the first pre-hearing conference by agreement of the parties. Commission records confirm that all parties were served copies of the June 28th Order.

On August 7, 2002, the Executive Director of the Civil Service Commission issued an "AMENDED ORDER SECOND PRE-HEARING CONFERENCE," confirming that, by

1 agreement of the parties, the second pre-hearing conference originally scheduled to be held at
2 2:00 p.m. on Tuesday, October 15, 2002, would be held at 3:00 p.m. on the same date.
3 Commission records confirm that all parties were served copies of the amended order.

4 On October 15, 2002, the undersigned Civil Service Hearing Examiner opened the
5 second pre-hearing conference at approximately 3:10 p.m., having waited for the arrival of the
6 Appellant, noting that the Respondent-department representatives appeared for the conference in
7 a timely manner, at 3:00 p.m. The Appellant never appeared at the second pre-hearing
8 conference. During the conference, the Respondent's attorney moved to dismiss the instant
9 appeal, based upon Appellant's alleged failure to comply with the discovery schedule, first
10 issued on June 28, 2002, as well as her failure to appear for the second pre-hearing conference.

11 In light of the foregoing, the Hearing Examiner enters the following:
12

13
14 **ORDER**

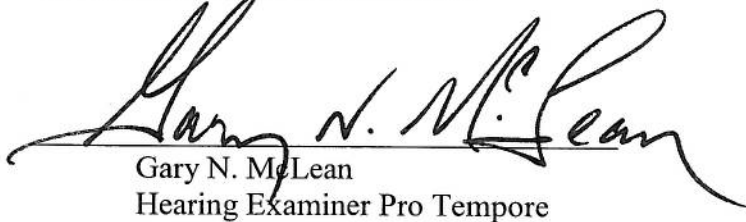
15 To provide the Appellant with an opportunity to respond to the Respondent's motion to
16 dismiss, Appellant is hereby directed to submit a written explanation showing cause why this
17 appeal should not be dismissed. Appellant's written explanation must be delivered to the Civil
18 Service Commission Office, at 700 Third Avenue, Suite 360, addressed to the attention of the
19 undersigned Hearing Examiner at some point prior to 5:00 p.m. on Tuesday, October 22, 2002.
20 A copy of Appellant's explanation must also be served on the City's legal counsel by the same
21 deadline.
22

23 If Appellant desires to withdraw her appeal, the Examiner respectfully seeks written
24 confirmation of such intent. If Appellant intends to pursue her appeal, then her written
explanation should seek to explain whether she intends to comply with her discovery obligations

1 as well as any information that might excuse her failure to appear for the second pre-hearing
2 conference. The Examiner will reserve ruling on the Respondent's motion to dismiss until after
3 some point following October 22, 2002, specifically noting that the Hearing on this appeal is still
4 set to occur on November 12, 13, and 14, 2002. In any event, if the Appellant fails to submit a
5 written explanation within the timeframe required by this Order, this appeal will be dismissed.

6 Dated this 15th day of October, 2002.

7
8 FOR THE CITY OF SEATTLE
9 CIVIL SERVICE COMMISSION

10 
11 Gary N. McLean
12 Hearing Examiner Pro Tempore

