From: John Galt
To: "shane miller"; Eileen Keiffer
Cc: "Bio Park"; "Holly Miller"
Subject: RE: APL 19-002 - Request for extension of time re: written closing arguments
Date: Thursday, May 12, 2022 9:15:51 AM

Dear Mr. Miller:

New request DENIED for the same reasons as stated for the first request.

Respectfully,

John E. Galt
Hearing Examiner/Officer
Mediator
Voice: (425) 259-3144

From: shane miller [mailto:shane_miller_usa@yahoo.com]
Sent: Thursday, May 12, 2022 8:30 AM
To: Eileen Keiffer; John Galt
Cc: John Galt; Bio Park; Holly Miller
Subject: Re: APL 19-002 - Request for extension of time re: written closing arguments

Mr. Galt,

If "reconsideration" is not allowed per the rules as Ms. Keever argues, then please instead consider it as a new request instead of as a reconsideration.

Sincerely,
Shane Miller

Sent from my iPhone

On May 12, 2022, at 8:23 AM, Eileen Keiffer <eileen@madronalaw.com> wrote:

> Good morning Mr. Galt,
>
> Please consider this email the City's response, if one is desired by the Examiner. First, the City would note that the Examiner's rules of procedure do not anticipate requests for reconsideration on motions, as opposed to final decisions. ROP 504, MICC 3.40.110. *See also* ROP 228(d). Second, the City continues to oppose Mr. Miller's request for extension for the same reasons expressed in the City's previous opposition to Mr. Miller's request for extension.
>
> Thank you,

Eileen M. Keiffer, Member

<image001.jpg>

14205 SE 36th Street
Suite 100, PMB 440
Bellevue, Washington 98006
Tel: (425) 201-5111, Ext. 1
Eileen@MadronaLaw.com
www.MadronaLaw.com

From: shane miller <shane_miller_usa@yahoo.com>
Sent: Thursday, May 12, 2022 7:42 AM
To: John Galt <jegalt755@gmail.com>
Cc: Eileen Keiffer <eileen@madronalaw.com>; Bio Park <Bio.Park@mercergov.org>; Holly Miller <hollymillerus@gmail.com>
Subject: Re: APL 19-002 - Request for extension of time re: written closing arguments

Request for RECONSIDERATION based upon:

1. Extension request is narrowed considerably to only include this weekend. That is, instead of a due date of May 13, 2022 5:00 p.m. allow the submission deadline to instead be May 16, 2022 9:00 a.m.

2. The reason is because in order to draft “up to 20 pages, 12 point font, times new roman font style, single space, half inch margins” etc requires me to have a block of weekend time. The past 4 weekends were unavailable to block time for this purpose due in part for example to the last four weekends including:

I. Mother’s Day
II. out of town for AAU basketball tournament,
III. weekend spring break travel to Arizona
IV. Easter weekend travel out of town

Lastly, I cannot do this drafting while traveling on a small-screen laptop because of approx. 200 exhibits that I need to reference and view on a second, large format monitor while drafting. I can only do this at my home computer workstation, which has 2 monitor screens.

Due to the above explanations as well as another unforeseen circumstance, I feel that I must ask for reconsideration to allow time for me to be available to focus and complete the drafting work necessary to adequately summarize my case and closing arguments. I believe allowing an extension of time to include this weekend May 13-16 only would

not change or harm the City, Mr. Hearing Examiner, or anyone.

Thank you in advance for your (re)consideration of this request.

Sincerely,
Shane Miller

Sent from my iPhone

> On May 11, 2022, at 8:34 AM, John Galt <jegalt755@gmail.com> wrote:
>
> Dear Principal Parties:
>
> Mr. Miller's request for an extension of the filing deadline for his closing statement is DENIED.
>
> A closing statement is simply a summary of a party's position; it does not include the presentation of any new evidence.
>
> Closing statements are normally presented orally at the conclusion of the rebuttal phase of the open record hearing. [RoP 304(e)] When written closing statements are requested and approved by the Examiner, the RoP call for the first written closing statement to be filed one week after the close of the hearing with subsequent closing statements (if there are more than two principal parties in the case) following at one week intervals. [RoP 320(d)] Mr. Miller's is the first first closing statement due in this case.
>
> The open record hearing in this appeal closed on April 14, 2022. The parties opted for written closing statements; the Examiner agreed. Mr. Miller requested and was granted one month in which to prepare and submit his closing statement. One month is four times as long as the RoP anticipate.
>
> No additional time is warranted.
>
> This email chain will be entered into the record as an administrative exhibit. As I stated in my email of last evening, no reply will be accepted.

Respectfully,

John E. Galt
Hearing Examiner/Officer
Mediator
Voice: (425) 259-3144

From: Eileen Keiffer [mailto:eileen@madronalaw.com]
Sent: Wednesday, May 11, 2022 7:56 AM
To: John Galt
Cc: Bio Park; Holly Miller; shane miller
Subject: RE: APL 19-002 - Request for extension of time re: written closing arguments

Mr. Galt,

The City opposes Mr. Miller's unconstrained request for extension. Mr. Miller has had a month to prepare his closing, which is more than sufficient for a summary of the evidence presented at hearing without the introduction of new evidence or arguments. As expressed on multiple occasions, Mr. Miller has unnecessarily delayed this proceeding at every opportunity and the City looks forward to its prompt conclusion.

Thank you,

Eileen M. Keiffer, Member

<image002.jpg>

14205 SE 36th Street
Suite 100, PMB 440
Bellevue, Washington 98006
Tel: (425) 201-5111, Ext. 1
Eileen@MadronaLaw.com
www.MadronaLaw.com

From: John Galt <jegalt755@gmail.com>
Sent: Tuesday, May 10, 2022 6:24 PM
To: Eileen Keiffer <eileen@madronalaw.com>
Cc: Bio Park <Bio.Park@mercergov.org>; Holly Miller <hollymillerus@gmail.com>; shane miller <shane_miller_usa@yahoo.com>
Subject: Re: APL 19-002 - Request for extension of time re: written closing arguments

Yes, please - briefly. Via email will be fine. I do not want and will not accept a reply from Mr. Miller. The request and a brief response will be sufficient.

Respectfully,

John E. Galt
Hearing Examiner

On Tue, May 10, 2022, 4:33 PM Eileen Keiffer <eileen@madronalaw.com> wrote:

> Mr. Galt,
>
> Please let me know if would like the City's position on extension of closing arguments.
>
> Thank you,
>
> **Eileen M. Keiffer, Member**
>
> 14205 SE 36th Street
> Suite 100, PMB 440
> Bellevue, Washington 98006
> Tel: (425) 201-5111, Ext. 1
> Eileen@MadronaLaw.com
> www.MadronaLaw.com
>
> -----Original Message-----
>
> From: shane miller <shane_miller_usa@yahoo.com>
>
> Sent: Tuesday, May 10, 2022 1:26 PM
>
> To: John Galt <jegalt755@gmail.com>
>
> Cc: Eileen Keiffer <eileen@madronalaw.com>; Bio Park <Bio.Park@mercergov.org>; Holly Miller <hollymillerus@gmail.com>
>
> Subject: APL 19-002 - Request for extension of time re: written closing arguments

Mr. Galt,

May I please have an extension of time to complete written closing arguments?

Thank you for your consideration.

Sincerely,

Shane Miller