

**BEFORE THE HEARING EXAMINER of the  
CITY of MERCER ISLAND**

**ORDER MEMORIALIZING A PREHEARING CONFERENCE**

FILE NUMBER: APL21-001

APPELLANT: Central Puget Sound Transit Authority  
ATTN: Stephen G. Sheehy, Managing Legal Counsel  
401 South Jackson Street  
Seattle, WA 98104-2826  
stephen.sheehy@soundtransit.org  
SERVICE BY E-MAIL (First class mail service if requested)

RESPONDENT: City of Mercer Island  
C/o Bio F. Park, Interim City Attorney  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040  
bio.park@mercergov.org  
SERVICE BY E-MAIL (First class mail service if requested)

and

C/o Kim Adams Pratt/Eileen M. Keiffer  
Madrona Law group, PLLC  
14205 SE 36<sup>th</sup> Street, Suite 100, PMB 440  
Bellevue, WA 98006  
kim@madronalaw.com/eileen@madronalaw.com  
SERVICE BY E-MAIL (First class mail service if requested)

APPLICANT: Same as Appellant

TYPE OF CASE: Appeal from conditions imposed on Permit 2010-186

Date and Time of  
Hearing: March 16, 2021, 9:00 a.m. (Remote)

**WHEREAS**, the Hearing Examiner (“Examiner”) held a remote prehearing conference via the Zoom platform in the above-entitled matter on January 29, 2021, in which the following persons participated: Patrick Schneider, Michelle Rusk, and Stephen Sheehy for Appellant; Kim Pratt and Bio Park for Respondent; and

**WHEREAS**, it is desirable to memorialize the results of said conference for the benefit of the parties.

**NOW, THEREFORE**, the Hearing Examiner issues the following:

**ORDER**

1. The proceedings in this appeal shall comply with all applicable provisions of the municipal code and with the adopted City of Mercer Island Hearing Examiner Rules of Procedure (“RoP”) except as expressly amended in this Order under authority of RoP 104. In the event of a conflict between the RoP or this Order and the municipal code, the municipal code shall control.
2. The Examiner will convene the open record hearing remotely at 9:00 a.m. on Tuesday, March 16, 2021. The principal parties expect that the hearing will last longer than one day. The principal parties shall also reserve March 17, 19, and 24 for completion of the hearing, if needed.
3. The City shall arrange and serve as the host of the remote public hearing.
4. The City shall issue the public hearing notice(s) as required by code. The public hearing notice(s) may list the reserved continuation dates, but shall not state that the hearing will be held on each of the reserved continuation dates. The notice(s) shall not state or imply that the hearing will be convened on each and every one of the continuation dates. The notice(s) shall provide the necessary information for remote hearing log-in.
5. In addition to providing the witness list required by RoP 224(f), the principal parties have agreed to inform each other which witnesses will be testifying on each day at least the day before the witness is expected to testify.
6. All exhibits shall be filed with the City, cross-copied to the opposing party, and sent to the Examiner electronically via e-mail in accordance with RoP 218 Electronic Filing of Exhibits.
7. The principal parties are considering providing written closing statements. The closing statement process will be discussed and established during the hearing.
8. Concerns by any principal party regarding errors of omission or commission in this Order may be presented to the Examiner (by E-mail with cross-copy to the other principal parties) not later than noon on February 5, 2021.

**ORDER** issued February 2, 2021.

*/s/ John E. Galt*

---

John E. Galt  
Hearing Examiner