

From: [John Galt](#)
To: "[Tori Harris](#)"; "[Eileen Keiffer](#)"; [Andrea Larson](#); [Bio Park](#); "[Kristen Belcher](#)"; [Mary Swan](#); [Robin Proebsting](#)
Cc: katy@belcherswanson.com
Subject: RE: APL21-004: Cook v Mercer Island
Date: Monday, April 19, 2021 4:49:05 PM
Attachments: [image002.png](#)

Dear Principal Parties:

I have just now finished reading Respondent City's Partial Motion to Dismiss in the above entitled case. Our hearing is scheduled for next Wednesday, April 28th, nine days from today.

Hearing Examiner Rule of Procedure ("RoP") 204(a) provides that when a motion is filed less than 20 days before the hearing, there may be insufficient time to allow for written responses and written rulings.

I am torn between two motivations: To allow as much time as possible for submittal of a written response to the motion (in normal circumstances, RoP 224(b) would allow 10 days for submittal of a written response); versus issuing my ruling quickly so that both parties can prepare for the hearing with knowledge of that ruling. The RoP do not provide for submission of replies. Given the short time available in this case, I will not bend the rules to allow for a reply.

My solution is: Appellant may submit a written response at any time up to 5:00 p.m. on Tuesday, April 27th; if a written response arrives before that deadline, I will endeavor to consider the motion and response and issue a ruling before the hearing; if there is not enough time for me to issue a written ruling before the hearing, I will give my ruling orally at the outset of the hearing; if no written response is submitted, I will entertain an oral response and issue an oral ruling at the outset of the hearing.

Respectfully,

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

From: Tori Harris [<mailto:tharris@360legalsupport.com>]
Sent: Monday, April 19, 2021 3:32 PM
To: John Galt; 'Eileen Keiffer'; 'Andrea Larson'; 'Bio Park'; 'Kristen Belcher'; Mary Swan; 'Robin Proebsting'
Cc: katy@belcherswanson.com
Subject: APL21-004: Cook v Mercer Island

Good Afternoon, Hearing Examiner Galt and Counsel –

Attached please find the following for filing in the above-referenced matter:

- Exhibit 13 to City's Exhibit List (City of Mercer Island's Staff Report to Hearing Examiner)
- City of Mercer Island's Partial Motion to Dismiss; and
- Declaration of Robin Proebsting in Support of City of Mercer Island's Partial Motion to Dismiss.

These have also been uploaded to MlePlan. They may also be accessed using the link below:

<https://mieplan.mercergov.org/public/APL21-004/>

Should you have any questions, please do not hesitate to contact the Madrona Law Group, PLLC office.

Regards,



Tori Harris
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