

**BEFORE THE HEARING EXAMINER  
CITY OF MERCER ISLAND**

In the Matter of the Appeal of

**SARAH FLETCHER ET AL.**

from a decision by the Director,  
Department of Development Services

Hearing Examiner File:  
**APL17-012**

**PREHEARING  
ORDER**

On October 23, 2017, a prehearing conference was held regarding this matter. Represented at the conference were: the Appellants Sarah Fletcher, Zhangyi Wang, Menglin Cao, Todd Shepler, and Kay Johnson (“Appellants”) by Sarah Fletcher, *pro se*; the Applicant John Day Homes (“Applicant”) by Duana Koloskova, attorney-at-law; and the City of Mercer Island (“City”) by Bio Park, attorney-at-law.

During the prehearing conference the parties discussed a hearing schedule, briefing schedule for pre-hearing motions, and identified a schedule for final witness and exhibit lists and exchange of exhibits. The following matters were discussed and resolved:

1. The parties have agreed to electronic service.
2. The parties may engage in prehearing discovery on their own initiative, and will notify the Hearing Examiner only if necessary.
3. The Applicant and City may file pre-hearing motions, which motions shall be filed with the Office of Hearing Examiner, and a copy served on the other parties, no later than 5:00 PM on November 8, 2017.
4. The Appellants shall file and serve their response to the motions, no later than 5:00 PM on November 16, 2017.
5. The Applicant and City shall file and serve their replies, if any, no later than 5:00 PM on November 21, 2017.
6. The Appellants shall file and serve their final witness list<sup>1</sup> and final exhibit list, no later than 5:00 PM on November 20, 2017. The Appellants shall serve the other parties a copy of each of the exhibits listed on their exhibit list, no later than 5:00 PM on November 20, 2017. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy. Parties are not

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<sup>1</sup> Witness lists must include the names of witnesses and a brief summary of their expected testimony. If a witness will be testifying as an expert, a statement of qualifications must be included. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

required to provide copies of an exhibit to another party if the other party is known to possess a copy of the exhibit. Parties must be prepared to provide a copy of any exhibit to be introduced at the hearing in hard-copy form to the Hearing Examiner.)

7. The Applicant and City shall file and serve their final witness lists and final exhibit lists, no later than 5:00 PM on November 28, 2017. The Applicant and City shall serve the other parties a copy of each of the exhibits listed on their respective exhibit lists, no later than 5:00 PM on November 28, 2017.

The hearing in this matter is scheduled to be held on December 4, 2017, beginning at 9 AM at Mercer Island City Hall 9611 SE 36th Street, City of Mercer Island, Washington. In addition to this initial hearing date, December 5<sup>th</sup> has been reserved on the hearing calendar for continuation of the hearing, and in the alternative January 9, 2018 has been reserved on the hearing calendar for continuation of the hearing in the event the Appellants retain Richard Aramburu as counsel. (At the prehearing conference Appellants indicated they had not yet retained counsel, but had been in conversation with Mr. Aramburu, and that he was not available on December 5<sup>th</sup>. The Appellants should notify the Hearing Examiner and other parties as soon as they make their decision concerning counsel, in order for the continuance date to be confirmed. In any event, the Appellants must notify the Hearing Examiner's office and the other parties of their decision concerning counsel no later than 5:00 PM on November 8, 2016. If Appellants do not provide notification of their decision regarding counsel by that date, then the continuance date will be set for December 5<sup>th</sup> and the January 9, 2018 date will not be utilized.)

The parties are reminded that Hearing Examiner Rule (HER) 2.05(a) requires that any electronically filed document more than 10 pages in length, including exhibits, must also be delivered to the Hearing Examiner in hard copy; and HER 2.05(c) prohibits the filing of more than 15 pages with the Office of Hearing Examiner by electronic facsimile.

Entered this 24<sup>th</sup> day of October, 2017

  
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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Prehearing Order** to each person listed below, or on the attached mailing list, in the matter of **Sarah Fletcher et al.**, Hearing Examiner file: **APL17-012**, in the manner indicated.

Party	Method of Service
<b>Appellant</b> Sarah Fletcher Fletchsa1@gmail.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Applicant Legal Counsel</b> Duana Kolouskova Kolouskova@jmmlaw.com  Evanna Charlot charlot@jmmlaw.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Mercer Island City Attorney</b> Bio Park Bio.Park@mercergov.org  Mary Swan Mary.swan@mercergov.org	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>City Planning Manager</b> Evan Maxim City of Mercer Island Development Services 9611 SE 36 <sup>th</sup> Street Mercer Island, WA 98040 Evan.Maxim@mercergov.org	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: October 24, 2017

A handwritten signature in black ink, appearing to read 'Alayna Johnson', written over a horizontal line.

Alayna Johnson  
Legal Assistant