

**From:** [John Galt](#)  
**To:** "[Tori Harris](#)"; "[Eileen Keiffer](#)"; [Andrea Larson](#); [Bio Park](#); "[Kristen Belcher](#)"; [Mary Swan](#); [Robin Proebsting](#)  
**Cc:** [katy@belcherswanson.com](mailto:katy@belcherswanson.com)  
**Subject:** RE: APL21-004: Cook v Mercer Island  
**Date:** Thursday, April 22, 2021 3:03:26 PM  
**Attachments:** [image002.png](#)

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Dear Principal Parties:

I have received the City's Motion to Exclude and Mr. Thomas' Declaration in Support thereof.

The hearing in this matter will be held next Wednesday, April 28<sup>th</sup> as you know.

Hearing Examiner Rule of Procedure ("RoP") 204 provides guidance for handling motions. RoP 204(b) states that opposing parties have up to 10 days in which to submit a written response to a motion. But RoP 204(a) acknowledges that if a motion is filed less than 20 days before the scheduled hearing, strict compliance with the motion practice schedule in RoP 204 may not be possible. The same RoP states that in such cases the Examiner may elect to rule on the motion orally at the hearing.

Strict compliance with RoP 204 is not possible since the hearing is only six days away.

Therefore, I herewith advise you that I intend to rule on the motion orally at the outset of the hearing. I encourage the Appellant to submit a written response to the motion at your earliest convenience. If I receive a written response by 5:00 p.m. next Tuesday, I will review it that evening and, hopefully, would be prepared to issue an oral ruling without using up valuable hearing time for oral argument. If I receive a written response by this Friday evening, I will endeavor to make time over the weekend to consider the motion and response, and issue a written ruling on Monday.

Respectfully,

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

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**From:** Tori Harris [<mailto:tharris@360legalsupport.com>]  
**Sent:** Thursday, April 22, 2021 1:55 PM  
**To:** John Galt; 'Eileen Keiffer'; 'Andrea Larson'; 'Bio Park'; 'Kristen Belcher'; Mary Swan; 'Robin Proebsting'  
**Cc:** [katy@belcherswanson.com](mailto:katy@belcherswanson.com)  
**Subject:** RE: 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:

- City of Mercer Island's Motion to Exclude Certain Exhibits; and
- Declaration of Jeff Thomas in Support of City of Mercer Island's Motion to Exclude Certain Exhibits.

This document has also been uploaded to MlePlan. It may 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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[360legalsupport.com](http://360legalsupport.com)

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