

John Galt

From: John Galt <jegalt755@gmail.com>
Sent: Friday, July 30, 2021 4:11 PM
To: Eileen Keiffer
Cc: Cassidy Ingram; Christopher Niederman; Bio Park; Mary Swan; Tori Harris; Andrea Larson; Mark Rosencrantz
Subject: Re: Mercer Island Appeal APL 21-006a
Attachments: image001.jpg; image001.jpg; image001.jpg

The request to extend the date for responding to my letter is reasonable. The suggested replacement date will have no adverse effect upon the potential hearing dates listed in my letter.

Therefore, the date for responses to my scheduling letter is extended to August 9, 2021, for all parties.

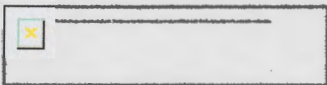
Respectfully,

John E. Galt
Hearing Examiner

On Fri, Jul 30, 2021, 3:53 PM Eileen Keiffer <eileen@madronalaw.com> wrote:

My apologies—I inadvertently omitted Mr. Rosencrantz from the email below. He has now been added to the City's preliminary response below.

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

From: Eileen Keiffer

Sent: Friday, July 30, 2021 3:50 PM

To: John Galt <jegalt755@gmail.com>

Cc: cassidy.ingram@acslawyers.com; chris@niederman.com; Bio Park <Bio.Park@mercergov.org>; Mary Swan <mary.swan@mercergov.org>; Tori Harris <tharris@360legalsupport.com>; Andrea Larson <andrea.larson@mercergov.org>

Subject: Mercer Island Appeal APL 21-006a

Good afternoon Mr. Galt,

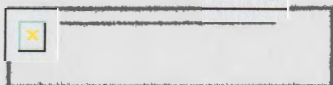
I have been attempting to inquire as to availability of City of Mercer Island Staff with respect to the hearing in APL 21-006a but have not yet received comprehensive responses from all relevant staff members. I am on vacation next week and therefore, the City would like to request an extension of the period to respond regarding hearing availability until COB on August 9, when I will have returned from vacation. As far as my own availability for hearing goes, I am available September 1, 9, or 10 only but those dates may be further constrained by City Staff availability.

Additionally, the City consents to continued email service in this matter.

Thank you,

Eileen

Eileen M. Keiffer, Member



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Suite 100, PMB 440

Bellevue, Washington 98006

Tel: (425) 201-5111, Ext. 1

Eileen@MadronaLaw.com

www.MadronaLaw.com

John Galt

From: John Galt <jegalt755@gmail.com>
Sent: Thursday, August 12, 2021 1:02 PM
To: Andrea Larson; Bio Park; Cassidy Ingram; Christopher Niederman; Eileen Keiffer (eileen@madronalaw.com); Mark Rosencrantz (rosencrantz@carneylaw.com); Mary Swan
Subject: APL21-006: Scheduling problem

Tracking:	Recipient	Read
	Andrea Larson	
	Bio Park	
	Cassidy Ingram	
	Christopher Niederman	Read: 8/12/2021 1:09 PM
	Eileen Keiffer (eileen@madronalaw.com)	
	Mark Rosencrantz (rosencrantz@carneylaw.com)	
	Mary Swan	

Dear Principal Parties:

To (very) loosely paraphrase a famous line in *Apollo 13*: "Folks, we have a scheduling problem."

Mr. Rosencrantz is available on September 1, but requests that we have a prehearing conference before any hearing.

Ms. Keiffer is available on Sep 1.

Ms. Ingram is available on Sep 10, 14, and 15.

And I remain available for either a prehearing conference or a hearing on Sep 1, 9 (afternoon only), 10, 14, and 15. (Another jurisdiction has booked Sep 16, so it is now off the table.)

When a principal party requests a prehearing conference I am disposed to grant that request. Therefore, **we will have a prehearing conference.**

However, we don't seem to have a commonly acceptable date among those that I listed in my July 28th letter. So, let's add some dates and see if we can find common ground. In addition to the dates listed above, **I am also available on Sep 17, 20, 22 (afternoon only), 23, 24, 27, 28, and 30.**

We will conduct the prehearing conference via Zoom, so no one has to drive anywhere. I would expect the conference should be about one hour, certainly not more than two hours.

Please respond with your availabilities at your earliest convenience, but not later than August 19, 2021.

Respectfully,

John E. Galt

Hearing Examiner/Officer
Mediator
Voice: (425) 259-3144

John Galt

From: John Galt <jegalt755@gmail.com>
Sent: Tuesday, August 24, 2021 3:21 PM
To: 'Mark Rosencrantz'; 'Cassidy Ingram'; 'Eileen Keiffer'; 'Andrea Larson'; 'Bio Park'; 'Christopher Niederman'; 'Mary Swan'; 'Ryan Sternoff'; 'Sarah K. King'
Cc: 'Tori Harris'
Subject: RE: APL21-006: Scheduling

Dear Principal Parties:

Based on your responses, our hearing will be September 20, 2021, starting at 9:00 a.m. via Zoom. The City will provide the required hearing notice and set up the Zoom session.

We will have an informal Zoom conference tomorrow afternoon at 2:00 p.m. I expect it should take less than one hour. I'll send you a Zoom invitation shortly.

Respectfully,

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

From: Mark Rosencrantz [mailto:rosencrantz@carneylaw.com]
Sent: Tuesday, August 24, 2021 10:50 AM
To: Cassidy Ingram; Eileen Keiffer; John Galt; Andrea Larson; Bio Park; Christopher Niederman; Mary Swan; Ryan Sternoff; Sarah K. King
Cc: Tori Harris
Subject: RE: APL21-006: Scheduling

Mr. Galt:

The Niedermans are willing to forego a formal prehearing conference, but would like to convene in advance of a hearing to ensure that everyone is clear on procedurally on how the hearing will work, as well as to discuss you taking an advance Rule 212 View Trip to the site, which we believe would be helpful. I can be available for such a call tomorrow afternoon, but I have a hard stop at 4:00 p.m. due to long-standing prior commitment.

Thank you,

Mark Rosencrantz

Mark Rosencrantz
CARNEY BADLEY SPELLMAN, P.S.
206-607-4154 Direct | 206-622-8020 Main
[Bio](#) | [vCard](#) | [Address](#) | [Website](#)
rose@carneylaw.com

This e-mail contains confidential, privileged information intended only for the addressee. Do not read, copy, or disseminate it unless you are the addressee. If you are not the addressee, please permanently delete it without printing and call me immediately at (206) 622-8020.

From: Cassidy Ingram <cassidy.ingram@acslawyers.com>

Sent: Friday, August 20, 2021 5:55 PM

To: Eileen Keiffer <eileen@madronalaw.com>; John Galt <jegalt755@gmail.com>; Andrea Larson <andrea.larson@mercergov.org>; Bio Park <bio.park@mercergov.org>; Christopher Niederman <chris@niederman.com>; Mark Rosencrantz <rosencrantz@carneylaw.com>; Mary Swan <mary.swan@mercergov.org>; Ryan Sternoff <ryan.sternoff@acslawyers.com>; Sarah K. King <sarah.king@acslawyers.com>

Cc: Tori Harris <tharris@360legalsupport.com>

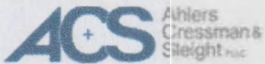
Subject: RE: APL21-006: Scheduling

Mr. Galt,

The Yangs agree to the September 20th hearing date and to forego the September 10th prehearing conference. We are also available next Wednesday, August 25, for a conference via Zoom after 1:30 PM.

Thank you,

Cassidy



Cassidy J. Ingram

cassidy.ingram@acslawyers.com

AHLERS CRESSMAN & SLEIGHT PLLC

(P) 206.287.9900 | (F) 206.934.1139 | (D) 360.280.8379

1325 4th Ave Suite 1850

Seattle WA 98101

www.acslawyers.com

From: Eileen Keiffer <eileen@madronalaw.com>

Sent: Thursday, August 19, 2021 12:02 PM

To: John Galt <jegalt755@gmail.com>; Andrea Larson <andrea.larson@mercergov.org>; Bio Park <bio.park@mercergov.org>; Cassidy Ingram <cassidy.ingram@acslawyers.com>; Christopher Niederman <chris@niederman.com>; Mark Rosencrantz <rosencrantz@carneylaw.com>; Mary Swan <mary.swan@mercergov.org>; Ryan Sternoff <ryan.sternoff@acslawyers.com>; Sarah K. King <sarah.king@acslawyers.com>

Cc: Tori Harris <tharris@360legalsupport.com>

Subject: RE: APL21-006: Scheduling

Mr. Galt,

The City will accept a hearing date of September 20 and is not opposed to foregoing a September 10 prehearing conference.

Additionally, I am available next Wednesday, August 25 for a Zoom conference if necessary, although the City does not have any questions on procedural items given the Hearing Examiner's rules.

Thank you,

Eileen M. Keiffer, Member



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Suite 100, PMB 440
Bellevue, Washington 98006
Tel: (425) 201-5111, Ext. 1
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www.MadronaLaw.com

From: John Galt <jegalt755@gmail.com>

Sent: Thursday, August 19, 2021 10:54 AM

To: Andrea Larson <andrea.larson@mercergov.org>; Bio Park <bio.park@mercergov.org>; Cassidy Ingram <cassidy.ingram@acslawyers.com>; Christopher Niederman <chris@niederman.com>; Eileen Keiffer <eileen@madronalaw.com>; Mark Rosencrantz <rosencrantz@carneylaw.com>; Mary Swan <mary.swan@mercergov.org>; Ryan Sternoff <ryan.sternoff@acslawyers.com>; Sarah K. King <sarah.king@acslawyers.com>

Subject: APL21-006: Scheduling

Dear Principal Parties:

I have now heard from all three principal parties in this case: Appellant, Respondent, and Applicant.

Mr. Rosencrantz previously asked for a prehearing conference and I agreed to convene one.

Seven days notice is required for prehearing conferences (unless waived by the parties). Fifteen days notice (which cannot be waived) is required for the hearing. I have previously advised that we will use the shortened version of the evidence pre-filing process, which means that all proposed exhibits must be pre-filed not less than seven days before the hearing.

All parties are available for a prehearing conference on Sep 10 and for a hearing on Sep 20. In order to make that work, the City would have to issue the hearing notice at least five days before the prehearing conference and evidence pre-filing by all parties would be due three days after the prehearing conference (which is actually only one business day later as the other two are a Saturday and a Sunday).

The reality of how these dates intertwine makes me wonder whether we really need a prehearing conference. And, if we do, whether you all are prepared to live with binding dates that could not be changed at the conference.

Perhaps we could set the hearing for Sep 20 and have a Zoom conference call next week (maybe Wednesday?) to iron out any procedural questions that you may have, such as questions about electronic filing of exhibits.

I hate to ask you to provide an additional response, but I feel that is necessary. **Please let me know by noon, Monday, August 23rd if you will accept a Sep 20 hearing date and forego a Sep 10 prehearing conference.** Also let me know if you want to chat via Zoom sometime next week about procedural matters.

Thank you,

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