

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

**INTERLOCUTORY ORDER ESTABLISHING DEADLINE FOR
RESPONSES TO MOTION TO DISMISS**

File No.: APL23-009

Appellants: Dan Grove *et al.*
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Respondent: City of Mercer Island
Community Planning & Development
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AND

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Applicants: Jeffrey Almeter/Dorothy Strand
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Authority: Hearing Examiner Rule of Procedure 2104(b)

WHEREAS, the City of Mercer Island Hearing Examiner (“Examiner”) received a Motion to Dismiss (“Motion”) from Respondent on Friday, November 17, 2023, which Motion email records show was sent to all principal parties to this case; and

WHEREAS, Hearing Examiner Rule of procedure 204(b) provides in relevant part that “[a]ny principal party and/or the Staff may file with the Examiner a written response to a filed motion not later than 10 days after the date that the motion was filed.” The 10th day after November 17, 2023, will be Monday, November 27, 2023.

NOW, THEREFORE, the Hearing Examiner issues the following:

ORDER

1. Any principal party may file with the Examiner a written response to the Motion not later than Monday, November 27, 2023, at 5:00 p.m., PST.
2. The Appellants group may file one and only one response to the Motion; the Applicants may file one and only one response to the Motion.
3. All responses are to be submitted in writing as email attachments and cross-copied to all other principal parties (*i.e.*, sent to all parties on the Examiner’s email distribution list which was used to distribute this Order).
4. Untimely filed responses will not be considered.
5. The Examiner is mindful that the hearing is scheduled for 10 days after the response filing deadline and that the Examiner’s Order on the Motion may have an effect upon the scope of the hearing issues and, thus, the scope of evidence pre-filing. The Examiner will do his best to expedite action on the Motion.

ORDER issued November 19, 2023.

/s/ John E. Galt

JOHN E. GALT
Hearing Examiner