

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

NOTICE OF STAY IN PROCEEDINGS

FILE NO.: APL19-002

APPELLANT: Shane Miller
7709 W Mercer Way
Mercer Island, WA 98040
shanemillerus@gmail.com
SERVICE BY E-MAIL (First class mail service if requested)

RESPONDENT: City of Mercer Island
Anthony Myers, Code Compliance Officer
C/o Bio F. Park, Interim City Attorney
9611 SE 36th Street
Mercer Island, WA 98040
bio.park@mercergov.org
SERVICE BY E-MAIL (Signed copy by first class mail for official file)

AUTHORITY: MICC 3.40; MICC 6.10; Hearing Examiner Rules of Procedure

THE CITY OF MERCER ISLAND HEARING EXAMINER (“Examiner”) has jurisdiction pursuant to the authority cited above over the above-entitled appeal filed by Shane Miller on November 4, 2019, from a Notice of Violation & Order to Correct issued by the City Code Compliance Officer on or about October 21, 2019.

THE PRINCIPAL PARTIES HAVE REQUESTED by a Joint Motion filed on December 12, 2019, that the proceedings be stayed to allow time for settlement discussions and hoped-for resolution of the issues in this appeal. The Examiner does not object to the requested stay provided that appropriate conditions are imposed to assure timely resolution of the appeal. In order to avoid needless paperwork, the Examiner will grant a lengthy stay with provisions allowing it to be terminated sooner should circumstances allow.

YOU ARE HEREBY NOTIFIED that the Examiner construes the request/agreement to constitute a waiver of any “speedy hearing” requirements to which the principal parties otherwise may be entitled.

THEREFORE, YOU ARE NOTIFIED that:

1. All proceedings in this matter are **STAYED** at your request pending: receipt of a written request (e-mail is acceptable) to proceed from any principal party; receipt of the status report required by Paragraph 2, below; settlement of the entire appeal; or passage of the deadline established in Paragraph 2, below. This stay freezes all time limits associated with this

appeal. This stay cancels any previously scheduled prehearing conference or hearing in this appeal.

2. **This stay will expire at 5:00 p.m., local time, on December 11, 2020**, unless lifted earlier. The Appellant or counsel **must submit** to the undersigned (with cross copy to the opposing party) **a written status report (e-mail is acceptable) within either two (2) weeks of the end of settlement discussions or by close of business on December 11, 2020, whichever comes first**, unless you have previously filed a document under Paragraph 1, above.
3. The Examiner will determine the appropriate course of action after receipt of the material required by Paragraphs 1 or 2, above. **If the Stay expires and neither party has submitted a written status report (e-mail is acceptable) to the Examiner within two weeks of the expiration of the Stay, the Examiner may set the matter for public hearing without consultation with either principal party.**

NOTICE issued December 12, 2019.

John E. Galt, Hearing Officer
927 Grand Avenue
Everett, WA 98201-1305
Phone/FAX: (425) 259-3144

ADA NOTICE: Accommodations for persons with disabilities will be provided upon request. Please make your request at least one week prior to the conference by telephoning the Examiner at (425) 259-3144.

Distribution:

Principal Parties as listed above.