



1 rescheduling conference, Mr. Miller persists in attempting to use the PRA to delay this case.  
2 Mr. Miller has admittedly received documents prior to the latest installment of records  
3 produced to him. However, even had he received zero documents through PRA requests, this  
4 would not form a basis to delay the hearing in this proceeding. Again, the PRA is not a  
5 discovery mechanism; it is a separate statutory doctrine. Accordingly, Miller's Second  
6 Request is improper and should be denied on this basis alone.

7 Further, Mr. Miller has demonstrated a clear pattern of delay in this proceeding. To  
8 wit, this proceeding was stayed for 18 months, at Mr. Miller's request, to give Mr. Miller the  
9 opportunity to resolve this issue voluntarily by obtaining the necessary permits. The facts are  
10 that Mr. Miller did not pay for such permit application until more than a year after submittal  
11 (City Ex. 31) and failed to follow up on any review comments provided by the CPD (City Ex.  
12 30). As a result, his application expired per MICC 17.14.020 (105.3.2(1)). (Ex. 32).

13 Mr. Miller also previously requested a continuance/rescheduling of hearing on  
14 October 18, 2021. The Hearing Examiner granted this request, and accordingly, the hearing  
15 was continued for more than three weeks, from October 28, 2021 to November 19, 2021.  
16 However, Mr. Miller now files his Second Request even after the Hearing Examiner continued  
17 the hearing at Mr. Miller's request. Undoubtedly, if the Hearing Examiner grants the Second  
18 Request, a third request is sure to follow.

19 It must be emphasized that delay prejudices CPD. Any additional delay simply serves  
20 to further prejudice CPD's ability to defend itself in this appeal. Delay makes it more likely  
21 that CPD witnesses will not be available to testify or that memories of crucial events may  
22 fade. CPD again reiterates that this is Mr. Miller's appeal, one that he initiated in 2019, and  
23 has had ample time to either resolve voluntarily or to prepare to prosecute. The Hearing  
24 Examiner should reject Mr. Miller's latest delay tactic.

25 CPD respectfully requests the Hearing Examiner deny Mr. Miller's second request for  
26 continuance/rescheduling of hearing.

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DATED this 2nd day of November, 2021.

MADRONA LAW GROUP, PLLC

By: /s/ Eileen M. Keiffer  
Eileen M. Keiffer, WSBA No. 51598

**CITY OF MERCER ISLAND**  
OFFICE OF THE CITY ATTORNEY

By: /s/ Bio Park  
Bio Park, WSBA No. 36994

*Attorneys for the City of Mercer Island*

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**DECLARATION OF SERVICE**

I, Tori Harris, declare and state:

1. I am a citizen of the State of Washington, over the age of eighteen years, not a party to this action, and competent to be a witness herein.

2. On the 2nd day of November, 2021, I served a true copy of the foregoing City of Mercer Island’s Response to Appellant’s Request for Continuance/Rescheduling of Hearing Date on the following counsel of record using the method of service indicated below:

Shane Miller 7709 W. Mercer Way Mercer Island, WA 98040  <i>Pro Se Petitioner</i>	<input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: <a href="mailto:shane_miller_usa@yahoo.com">shane_miller_usa@yahoo.com</a> <a href="mailto:shanemillerus@gmail.com">shanemillerus@gmail.com</a> <input checked="" type="checkbox"/> EService pursuant to LGR
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 2nd day of November, 2021, at Seattle, Washington.

  
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 Tori Harris