

From: [shane miller](#)
To: [Eileen Keiffer](#); [John Galt](#)
Cc: [shane miller](#); [Andrea Larson](#); [Bio Park](#); [Mary Swan](#); [Tori Harris](#); [Holly Miller](#); [Laurie Carlson](#); [Alison Van Gorp](#); [Gareth Reece](#); [Don Cole](#)
Subject: Re: In Re: APL 19-002 - Shane Miller v. City of Mercer Island
Date: Monday, March 28, 2022 9:23:07 PM

Mr. Hearing Examiner,

I've been requesting records pertaining to my property and have experience profound challenges in getting access to records and only after massive delays and 11th hour drops.

Refusal to produce records for my property is obstruction of justice to my case, Abuse of Power by those who control and block my access to the records, and breach of ethics for having done so.

Pursuant to the evidence of pattern, please see that King County Superior Court Judge Ms. Catherine Shaffer entered written findings on or about December 11, 2021 that City of Mercer Island attorneys submitted pleadings that were "bewildering" and "obstructionist" in their long-standing and repeat-losing obstruction of sound transit.

My experience lines up perfectly with the written findings of the Honorable Ms. Shaffer: Bewildering. Obstructionist.

(Note the written findings of Judge Shaffer were added today as a new Exhibit on the MIEPLAN drive)

I more strenuously believe that Mr. Hearing Examiner should not agree to be a part of this protracted pattern of obstructionist-abuse tactics by any City Attorney Office.

Sincerely,

Shane Miller

Sent from my iPhone

On Mar 28, 2022, at 8:11 PM, Eileen Keiffer <eileen@madronalaw.com> wrote:

Mr. Galt,

The City strenuously objects to the Appellant's most recent request for postponement, which comes as a result of a long pattern of delay by the Appellant in this proceeding. The stay in this code enforcement appeal, initiated originally in 2019, expired **June 30, 2021**. Despite the fact that this appeal has been pending for nine months (and that other appeals have been filed, heard before this Examiner, and concluded within that period of time), Appellant now requests yet another postponement. To date, Appellant has requested extensions and/or hearing continuances on the following dates:

-October 18, 2021
-October 27, 2021
-November 1, 2021
-November 9, 2021
-November 10, 2021
-January 17, 2022
-March 28, 2022

Further, the given basis for the continuance request is without merit and Appellant has failed to demonstrate good cause to support his request (as is required by ROP 416). The City, as well as yourself, have informed Appellant on numerous occasions that the Public Records Act is not a method for obtaining discovery in his code enforcement appeal and that you, as the Hearing Examiner, lack any jurisdiction over PRA matters. Notwithstanding that fact, the City has responded to Appellant's requests and provided him with a plethora of documents and files. It is abundantly clear that no amount of documents will satisfy Appellant and this is merely a stall tactic used by Appellant in continuing to avoid his obligations to complete the appeal proceeding that he himself initiated.

Should Appellant not wish to prosecute his appeal, he has the option to dismiss it. However, he should not be permitted to effectuate further delay for purposes of prejudice to the City's position. Again, this case has been pending since 2019 and each and every delay harms the City's ability to prosecute its case, as has been previously noted by the Hearing Examiner.

Finally, the City will be prepared tomorrow to address the inadmissibility of Mr. Miller's late submitted exhibits, noting that under the Hearing Examiner's rules, Appellant's exhibits and any briefing were due on November 12, 2021, over four months ago (and that indeed, the Hearing Examiner granted a continuance to Appellant for submitting his materials to November 15, 2021).

Thank you,

Eileen M. Keiffer, Member

<image001.jpg>

**14205 SE 36th Street
Suite 100, PMB 440
Bellevue, Washington 98006
Tel: (425) 201-5111, Ext. 1
Eileen@MadronaLaw.com
www.MadronaLaw.com**

From: shane miller <shane_miller_usa@yahoo.com>

Sent: Monday, March 28, 2022 7:26 PM

To: John Galt <jegalt755@gmail.com>

Cc: Andrea Larson <andrea.larson@mercergov.org>; Eileen Keiffer <eileen@madronalaw.com>; Bio Park <Bio.Park@mercergov.org>; Mary Swan <mary.swan@mercergov.org>; Tori Harris <tharris@360legalsupport.com>; shanemillerus@gmail.com; Holly Miller <hollymillerus@gmail.com>; Laurie Carlson <laurie.carlson@mercerisland.gov>; Alison Van Gorp <alison.vangorp@mercergov.org>

Subject: Re: In Re: APL 19-002 - Shane Miller v. City of Mercer Island

Dear Mr. Hearing Examiner,

Please note that Exhibit No. 1077 contains a brief summary of the primary relevant points for each of the other new exhibits including in order of the actual exhibit numbers. Hope this helps.

The City sat on my records request for about 4 months and only produced the requested records a little over a week ago, which is what caused the need to submit today immediately following only partial review of the new documents produced.

Note I was harmed again by the delays caused repeatedly w/r/t getting needed records for the appeal case.

I had copied you Mr. Hearing examiner about 2 weeks ago on an email to City Leadership explaining the need to postpone the hearing tomorrow if City Staff were unwilling or unable to produce the requested records by the end of that week, and that deadline was not met. Therefore, I think we should postpone.

Sincerely,
Shane Miller

Sent from my iPhone

On Mar 28, 2022, at 6:48 PM, John Galt <jegalt755@gmail.com> wrote:

Dear Principal Parties:

I got to Ms. Larson's 4:59 p.m. email at 6 p.m., followed the link, and discovered 23 new exhibits from Mr. Miller.

I have skimmed a couple of them, but will not be able to review all of them in any detail before we reconvene the hearing at 9:30 a.m. tomorrow morning.

We will have to discuss their admissibility tomorrow.

I will be entering the January 17 – 20, 2021, email chain regarding rescheduling of the hearing due to COVID from January 21, 2022, to March 29, 2022 as Exhibit 9023. You were all part of that chain, so I do not intend to send a copy of it to each of you.

Respectfully,

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

From: Andrea Larson [<mailto:Andrea.Larson@mercergov.org>]
Sent: Monday, March 28, 2022 4:59 PM
To: Eileen Keiffer; Shane Miller; John Galt
Cc: Bio Park; Mary Swan; Tori Harris; shanemillerus@gmail.com; Holly Miller; Laurie Carlson; Alison Van Gorp
Subject: RE: In Re: APL 19-002 - Shane Miller v. City of Mercer Island

Good Afternoon,

Per Mr. Miller's request, we have uploaded the documents he submitted today to MlePlan. They can be found here:

<https://mieplan.mercergov.org/public/APL19-002/>

Kind Regards,

Andrea Larson
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Andrea Larson
Sent: Thursday, December 9, 2021 3:02 PM
To: Eileen Keiffer <eileen@madronalaw.com>; Shane Miller <shane_miller_usa@yahoo.com>; John Galt <jegalt755@gmail.com>

Cc: Bio Park <bio.park@mercergov.org>; Mary Swan <mary.swan@mercergov.org>; Tori Harris <tharris@360legalsupport.com>; shanemillerus@gmail.com; Holly Miller <hollymillerus@gmail.com>

Subject: RE: In Re: APL 19-002 - Shane Miller v. City of Mercer Island

Hello,

I have added Ex. 1054 to MlePlan and it can be accessed here:

<https://mieplan.mercergov.org/public/APL19-002/>

Kind Regards,

[Andrea Larson](#)

City Clerk

City of Mercer Island

206.275.7793 | mercerisland.gov

Due to the regional COVID-19 outbreak, many City of Mercer Island staff are now working remotely. Responses to emails and phone calls may take additional time as we have modified our operations. Thank you for your patience.

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Andrea Larson

Sent: Thursday, December 9, 2021 9:16 AM

To: Eileen Keiffer <eileen@madronalaw.com>; Shane Miller <shane_miller_usa@yahoo.com>; John Galt <jegalt755@gmail.com>

Cc: Bio Park <bio.park@mercergov.org>; Mary Swan <mary.swan@mercergov.org>; Tori Harris <tharris@360legalsupport.com>; shanemillerus@gmail.com; Holly Miller <hollymillerus@gmail.com>

Subject: RE: In Re: APL 19-002 - Shane Miller v. City of Mercer Island

Good Morning,

These have been added to MlePlan and are available here:

<https://mieplan.mercergov.org/public/APL19-002/>

Kind Regards,

Andrea Larson
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

Due to the regional COVID-19 outbreak, many City of Mercer Island staff are now working remotely. Responses to emails and phone calls may take additional time as we have modified our operations. Thank you for your patience.

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Eileen Keiffer <eileen@madronalaw.com>
Sent: Thursday, December 9, 2021 8:56 AM
To: Shane Miller <shane_miller_usa@yahoo.com>; John Galt <jegalt755@gmail.com>
Cc: Bio Park <Bio.Park@mercergov.org>; Andrea Larson <Andrea.Larson@mercergov.org>; Mary Swan <Mary.Swan@mercergov.org>; Tori Harris <tharris@360legalsupport.com>; shanemillerus@gmail.com; Holly Miller <hollymillerus@gmail.com>
Subject: RE: In Re: APL 19-002 - Shane Miller v. City of Mercer Island

Good morning,

As a courtesy, please find attached potential City CPD Department rebuttal exhibits 36-42. I have also asked Ms. Larson to upload these to the Mleplan site for this proceeding. As previously noted by Examiner Galt and per RoP 224(i), there is no requirement to prefile rebuttal exhibits. This email is being sent as a courtesy only. Further, the City reserves the right to offer further rebuttal exhibits as may be necessary following Appellant's case in chief.

Eileen M. Keiffer, Member

<[image003.jpg](#)>

14205 SE 36th Street
Suite 100, PMB 440
Bellevue, Washington 98006
Tel: (425) 201-5111, Ext. 1
Eileen@MadronaLaw.com
www.MadronaLaw.com

From: Shane Miller <shane_miller_usa@yahoo.com>
Sent: Wednesday, December 8, 2021 4:46 PM
To: John Galt <jegalt755@gmail.com>
Cc: Bio Park <Bio.Park@mercergov.org>; Andrea Larson <andrea.larson@mercergov.org>; Mary Swan <mary.swan@mercergov.org>; Eileen Keiffer <eileen@madronalaw.com>;
Tori Harris <tharris@360legalsupport.com>; shanemillerus@gmail.com;
Holly Miller <hollymillerus@gmail.com>
Subject: Re: In Re: APL 19-002 - Shane Miller v. City of Mercer Island

Mr. Hearing Examiner, et al,

I have uploaded Exhibit #'s 1039 - 1053 to the SFTP Site. See evidence of upload below. I left a voicemail w/ Norrine asking that she please upload these files to the MIEPLAN shared site.

Sincerely,
Shane Miller

<image005.png>

On Dec 2, 2021, at 2:15 PM, John Galt <jegalt755@gmail.com> wrote:

Dear Mr. Miller *et al.*:

Let me be frank: I made no notes as to a request for additional information and I do not have time to listen to the recording of the hearing to see what I may have asked for. So I can't help you in that regard.

However, RoP 224(i) excludes documents "offered in response/rebuttal" from the pre-filing requirements. If materials fall into that category, they may be offered at any time before the end of the hearing. As a courtesy to everyone, it would be most helpful if response/rebuttal documents could be pre-filed at the earliest opportunity.

Respectfully,

John E. Galt

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

From: shane miller [mailto:shane_miller_usa@yahoo.com]
Sent: Thursday, December 02, 2021 10:27 AM
To: John Galt
Cc: Shane Miller; Bio Park; Andrea Larson; Mary Swan; Eileen Keiffer; Tori Harris
Subject: Re: In Re: APL 19-002 - Shane Miller v. City of Mercer Island

Dear Mr. Galt,

May you please clarify what are your rules currently for submitting new exhibits-type documentation, including timing requirements for doing so? Recall that you had requested some additional documents during the end of the last live hearing on November 19, 2021.

Note that I haven't seen any new documents submitted by City Staff or Attorneys.

I do not wish to frustrate you by misunderstanding your rules and rules documentation as had happened previously on or about November 12, 2021. This is the reason I'm aiming to ask for your direction before submitting any new documents.

Thank you,
Shane Miller

Sent from my iPhone

On Nov 16, 2021, at 7:35 AM, John Galt
<jegalt755@gmail.com> wrote:

Received. Thank you.

On Tue, Nov 16, 2021, 5:42 AM Shane
Miller <shanemillerus@gmail.com> wrote:

[Download full resolution images](#)
[Available until Dec 16, 2021](#)

Dear Mr. Hearing Examiner,

My files were uploaded to the City's SFTP site at 4:28 or earlier yesterday under a folder named APL19-002. A screenshot is shared showing this.

Yesterday, I spoke by telephone with Mr. Jamal Harris of the City of Mercer Island Customer Service and Mr. Harris explained to me these files would be uploaded to the mieplan shared drive folder. However, it doesn't appear this has occurred as of this time.

The files are large size; therefore, I was reluctant to email the files. However, due to the files not having been uploaded as of yet to the mieplan shared drive, I'm attaching the pleading, exhibits list and witness list files.

Sincerely,
Shane Miller

[Click to Download](#)

2021 - 11.15.2021 - APPL - 19-002 -
Pleading V.FIN.pdf
30.2 MB

[Click to Download](#)

2021 - 11.15.2021 - APPL - 19-002 -
Witness List.pdf
97 KB

[Click to Download](#)

2021 - 11.15.2021 - APPL - 19-002 -
Exhibits List.pdf
118 KB

<https://mieplan.mercergov.org/public/APL19-002/>



<Screen Shot 2021-11-15 at 4.28.35 PM.png>