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BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

CHRISTOPHER JUDD, as Owner of dog named
Buster Judd,

Appellant,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL24-001

MOTION FOR DISMISSAL WITHOUT
PREJUDICE

MOTION TO DISMISS

Pursuant to Hearing Examiner Rule of Procedure (RoP) 228(e), the Respondent has withdrawn the appealed notice of Potentially Dangerous Dog. Please see attached Exhibit A. Accordingly, pursuant to RoP 228(e), the appeal is now moot and shall be dismissed.

Accordingly, Respondent City of Mercer Island moves the Hearing Examiner to dismiss the instant appeal without prejudice.

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1 DATED this 23rd day of February, 2024.

2 MADRONA LAW GROUP, PLLC

3
4 By: /s/ Eileen M. Keiffer
5 Eileen M. Keiffer, WSBA No. 51598
6 14205 SE 36th Street
7 Suite 100, PMB 440
8 Bellevue, WA 98006
9 Telephone: (425) 201-5111
10 Email: eileen@madronalaw.com

11
12 **CITY OF MERCER ISLAND**
13 **OFFICE OF THE CITY ATTORNEY**

14 By: /s/ Bio Park
15 Bio Park, WSBA No. 36994
16 9611 SE 36th Street
17 Mercer Island, WA 98040
18 Telephone: (206) 275-7652
19 Email: bio.park@mercerisland.gov

20 Attorneys for City of Mercer Island
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1 **DECLARATION OF SERVICE**

2 I, Reina McCauley, declare and state:

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

5 2. On the 23rd day of February, 2024, I did cause a true copy to be served of the foregoing
6 **MOTION TO DISMISS** on the following parties using the method of service indicated below:
7

<p>8 Christopher D. Judd 2511 71st Avenue SE 9 Mercer Island, WA 98040 10 11 <i>Appellant</i></p>	<p><input checked="" 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: chrisjudd75@gmail.com</p>
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12 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
13 is true and correct.

14 DATED this 23rd day of February, 2024, at Auburn, Washington.

15
16 /s/Reina McCauley
17 Reina McCauley
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EXHIBIT “A”



**CITY OF MERCER ISLAND
RECISSION OF NOTICE OF DECLARATION OF POTENTIALLY DANGEROUS DOG**

Date of Notice: 2/23/24

Case No: APL24-001/A23-7205

The previously issued Notice of Declaration of Potentially Dangerous Dog for the dog "Buster" Judd, issued on January 4, 2024, is hereby rescinded.

Sgt. Chelsea Eykel

OFFICER'S SIGNATURE Sgt. Chelsea Eykel

DATE 2/23/24