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THE HEARING EXAMINER OF MERCER ISLAND

In Re the appeal of  
NANCY CHOI, RMA WA HOLDINGS  
MI LLC, AND DWIGHT SCHAEFFER  
and CHRISTINE SCHAEFFER,

Appellants,

vs.

CITY OF MERCER ISLAND,  
Respondent.

CONSOLIDATED APPEALS APL26-001,  
-002 AND -003.

PRE-HEARING ORDER

The schedule and procedural rules outlined below apply to the above-captioned appeal.

A. Document Distribution. All documents required by this Order shall be emailed to the parties at the addresses below. All documents must be received by midnight on the due dates set by this order.

**Responsible Party**

**Address**

Appellant

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RMA WA Holdings MI LLC  
J. Richard Aramburu (counsel)

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grace.manahan@mercerisland.go

Hearing Examiner

Phil Olbrechts  
olbrechtslaw@gmail.com

B. Exhibit and Witness Lists. The parties are required to exchange witness and exhibit lists per the schedule below. Witness lists should include a summary of the testimony to be provided by each witness along with a general estimate on the length of the testimony. The time estimates are just for scheduling purposes. Witnesses will not be bound to the estimates. The exhibit lists shall list any documents, recordings, videos or photographs that the parties intend on presenting at the appeal hearing. No exhibits or witness testimony beyond those identified in the witness and exhibit lists will be admitted unless necessary for reasonably unanticipated rebuttal or for other good cause. **Exhibits must be exchanged contemporaneously with the exhibit lists by email.**

If a non-City party intends on calling a City witness, they should include that witness in their witness list even if the witness is also included in the City’s witness list. Inclusion of a witness in a witness list does not compel the listed witness to participate in the hearing. If a party wishes to compel a witness to participate, a request should be made to the Examiner for a subpoena at or prior to the filing of the exhibit and witness lists.

C. Procedural Rules. The hearing format shall have order of presentation as City, Choi, RMA, Schaeffer, Public, City Rebuttal, Schaeffer Rebuttal, RMA Rebuttal,

1 Choi Rebuttal, Public Rebuttal, Choi Closing, RMA Closing, Schaeffer Closing, City  
2 Closing.

3 The City's Hearing Examiner Rules of Procedure are available on the City's website. The  
4 Rules of Procedure shall govern the procedures of this appeal but shall be superseded by  
5 any conflicting provisions in the City's Municipal Code or constitutional due process. If  
6 clear guidance is provided by the Rules of Procedure, the City's Municipal Code or due  
7 process case law, the Washington State Civil Rules of Procedure shall serve as a guide.

8 D. Cross-Examination. All witnesses who present live testimony will be  
9 subject to cross-examination. Declarations and other documents that would qualify as  
10 testimony are admissible without a right of cross-examination unless a right to cross-  
11 examine is asserted by email to all hearing parties within 24 hours of when the document  
12 is disclosed in the witness and exhibit lists. Documents that are prepared specifically for  
13 this appeal shall be considered testimony. Statements made in a document that qualify  
14 as hearsay exceptions shall not be subject to cross-examination.

15 E. Consolidation. Appeal APL26-001, APL26-002 and APL26-003 are  
16 consolidated into one appeal review because they all involve the same violations and same  
17 violation site.

18 F. Schedule. The following schedule applies:

19	6/1/26	Prehearing Motions Due
20	6/15/26	Motion Responses Due
21	6/17/26	Motion Replies Due
22	7/16/26	Witness and Exhibit List
23	7/24/26	9:00 am virtual hearing on appeal

24 ORDERED this 4th day of May 2026.

25 *Phil Olbrechts*

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City of Mercer Island Hearing Examiner