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THE HEARING EXAMINER OF MERCER ISLAND

In Re the appeal of KIM CHAU (owner of dog named Stewart), Appellant, vs. CITY OF MERCER ISLAND, Respondent.	DRAFT PRE-HEARING ORDER
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The schedule and procedural rules outlined below apply to the above-captioned appeal.

A. Document Distribution. Service of all required documents of this review process shall be by email to the email addresses below. All documents must be received by midnight on the due dates set by this order.

<u>Responsible Party</u>	<u>Address</u>
Appellant	Adam Carp (counsel)

adam@animal-lawyer.com

Mercer Island

Mali Barber
mbarber@insleebest.com
Bio.Park@mercerisland.gov

Hearing Examiner

Phil Olbrechts
olbrechtslaw@gmail.com
reina.mccauley@mercerisland.gov

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, Appellant, City Rebuttal, closing argument with Appellant first or agreed upon written closing. To the extent that procedural issues are not addressed by the City of Mercer Island Hearing Examiner Rules of Procedure, the Mercer Island Municipal Code or this prehearing order, the Washington State Superior Court Civil Rules (CR) shall serve as a guide.

1 D. Cross-Examination. All witnesses who present live testimony will be
2 subject to cross-examination. Declarations and other documents that would qualify as
3 testimony are admissible without a right of cross-examination unless a right to cross-
4 examine is asserted by email to all hearing parties within 24 hours of when the document
5 is disclosed in the witness and exhibit lists. Documents that are prepared specifically for
6 this appeal shall be considered testimony. Statements made in a document that qualify
as hearsay exceptions shall not be subject to cross-examination. Veterinary records are
typically exempt from disclosure under the business records exception to the hearsay rule.

7 E. Schedule. The following schedule applies:
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9 9/11/26 Prehearing Motions (if any)
10 9/23/26 Motion Responses
11 9/25/26 Motion Replies
12 10/2/26 Witness and Exhibit List
13 10/9/26 9:30 am, Virtual Appeal Hearing

14 ORDERED this _____ day of August 2026.
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16 _____
17 City of Mercer Island Hearing Examiner
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