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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.	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 Karp (counsel) adam@animal-lawyer.com

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3 Mercer Island

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

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8 Hearing Examiner

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

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

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

25 C. Procedural Rules. The hearing format shall have order of presentation as
26 City, Appellant, City Rebuttal, closing argument with Appellant first or agreed upon
27 written closing. To the extent that procedural issues are not addressed by the City of
28 Mercer Island Hearing Examiner Rules of Procedure, the Mercer Island Municipal Code
29 or this prehearing order, the Washington State Superior Court Civil Rules (CR) shall
30 serve as a guide.

D. Cross-Examination. All witnesses who present live testimony will be
subject to cross-examination. Declarations and other documents that would qualify as
testimony are admissible without a right of cross-examination unless a right to cross-
examine is asserted by email to all hearing parties within 24 hours of when the document

1 is disclosed in the witness and exhibit lists. Documents that are prepared specifically for
2 this appeal shall be considered testimony. Statements made in a document that qualify
3 as hearsay exceptions shall not be subject to cross-examination. Veterinary records are
4 typically exempt from disclosure under the business records exception to the hearsay rule.

5 E. Schedule. The following schedule applies:

6 11/6/26 Witness and Exhibit List
7 11/13/26 9:30 am, Virtual Appeal Hearing

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9 ORDERED this 16th day of October 2026.

10 *Phil Olbrechts*
11 _____
12 City of Mercer Island Hearing Examiner
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