Filed: 11/20/2017 4:12:09 PM WEQC

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

IN RE BLACK HILLS BENTONITE)PERMIT TO MINE NO. 248c)DOCKET 17-1601

STIPULATED MOTION TO RESCHEDULE HEARING DATE AND SET SECOND PRE-HEARING CONFERENCE

COME NOW Petitioner Black Hills Bentonite and Respondents TTT Ranch Company and James H. Crossingham, Jr., by and through their undersigned counsel, and hereby move Hearing Examiner Meghan Lally to reschedule the hearing in the above-referenced matter from December 5, 2017 to February 22, 2018 and to set a second pre-hearing conference to set other deadlines in the case. In support of their motion the parties state as follows:

 A pre-hearing conference was held on November 14, 2017 at 1:30 p.m. wherein Hearing Examiner Meghan Lally set a hearing in the above-referenced matter for December 5, 2017.

2. Respondent James Henry Crossingham, Jr. has a scheduled medical procedure on December 5, 2017 in Concord, North Carolina and therefore is unavailable to attend the hearing scheduled for that same day.

3. Counsel for Respondents has conferred with counsel for Petitioner about Mr. Crossingham's unavailability on December 5, 2017. Counsel for Petitioner has advised that Petitioner has no objection to rescheduling the hearing from December 5, 2017 to February 22, 2018.

4. The parties respectfully request that the hearing set for December 5, 2017 be rescheduled for February 22, 2018. The parties also respectfully request that a second pre-hearing

conference be set wherein deadlines will be set for the parties to complete discovery and also to designate any expert witnesses. The parties further respectfully request that new deadlines be set for the parties to file their exhibit and witness lists.

DATED this 20th day of November, 2017.

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Attorney for Petitioner

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