

3. The Parties did not provide the Council with a joint update on the status of negotiations by November 15, 2016.

4. On March 2, 2017, a scheduling conference was set for this matter.

5. On March 8, 2017, the parties requested a joint continuance of this matter, which was granted in a March 13, 2017, order that also set a pre-hearing conference on March 28, 2017.

6. The Parties are engaged in active and effective settlement discussions and prefer to negotiate a resolution of this matter rather than proceeding to a contested case.

7. In jointly requesting a continuance, neither Party admits nor denies any issue of fact or law.

8. This requested continuance will not prejudice either Party.

9. The Parties will provide an update on settlement negotiations to the Council on or before April 27, 2017.

WHEREFORE, the Parties respectfully request a continuance of this matter until at least April 27, 2017. The Parties have attached a proposed Order of Continuance to this Motion.

DATED this 27th day of March, 2017.

FOR PETITIONER DAVE'S ASPHALT

FOR RESPONDENT DEPARTMENT OF ENVIRONMENTAL QUALITY

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