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BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

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DOCKET NO. 16-3202A

JOINT MOTION FOR CONTINUANCE

COMES NOW Petitioner Dave's Asphalt and Respondent Department of Environmental Quality, Water Quality Division (jointly "Parties"), by and through undersigned counsel, to hereby move the Environmental Quality Council (Council) for an order continuing this matter to allow the Parties additional time for settlement discussions. The Parties request that the Council postpone the May 4, 2017, scheduling conference set for this matter until at least June 4, 2017. In support of this motion, Parties advise the Council that:

1. The Parties first requested a continuance of this matter on September 27, 2016, which was granted on October 21, 2016.

2. Under the terms of the October 21, 2016, order, the Parties had to provide a joint update on the status of negotiations to the Council on or before November 15, 2016, or else a scheduling conference would be set for this matter.

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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. On March 27, 2017, the parties requested a joint continuance of this matter, which was granted in a March 28, 2017, order that also set a pre-hearing conference on May 4, 2017.

7. 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.

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

9. This requested continuance will not prejudice either Party.

10. The Parties will provide an update on settlement negotiations to the Council on or before June 4, 2017, 2017.

WHEREFORE, the Parties respectfully request a continuance of this matter until at least

June 4, 2017. The Parties have attached a proposed Order of Continuance to this Motion.

DATED this 3rd day of May, 2017.

FOR PETITIONER DAVE'S ASPHALT

<u>/s Berthenia Crocker</u> Berthenia Crocker (Wyo. Bar No. 5-1821) Partner Baldwin, Crocker & Rudd, P.C. P.O. Box 1229 Lander, WY 82520 (307) 332-3385

FOR RESPONDENT DEPARTMENT OF ENVIRONMENTAL QUALITY

/s Elizabeth Morrisseau

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