

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN RE BENTONITE PERFORMANCE)
MINERALS LLC) DOCKET 18-1601**

ORDER CONTINUING HEARINGS

On his own motion the hearing officer has decided that in order to timely and efficiently handle the Motions for Summary Judgment and to Limit testimony and evidence, the hearing on those motions scheduled for January 9, 2019 should be continued until 9:00 a.m. January 16, 2019. The hearing will be held in Cheyenne WY in Room 100, First Floor of the Hathaway Building, 2300 Capitol Ave. for the following reasons.

1. There will only be four (4) Councilmembers available for the hearing and any decisions would require a unanimous vote.
2. The complexity of the motions are greater than initially expected. A response was filed by email by Roland Ericsson and in the first paragraph Mr. Roland Ericsson indicates “The deposition of Ronald Ericsson is not “2U’s own sworn testimony” as he was not an owner, manager and did not have authorization to make any decisions regarding 2U Ranch LLC (see Appendix A). This makes his testimony irrelevant and is grounds for denial of both motions.”.
3. Whether Mr. Ronald Ericsson is the “representative of 2U” as denied in Mr. Roland Ericsson’s response raises other issues not anticipated. The issues appear to include but may not be limited to the following:
 - a. If Mr. Ronald Ericsson is not the representative of 2U, then are his filings from the beginning of this case available for review and discussion by the Council?

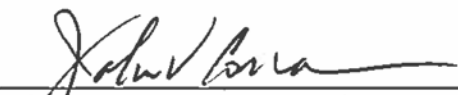
- b. If Mr. Ronald Ericsson is not the representative of 2U then has 2U filed a response to the petition for order in lieu of consent? If not, why not?
- c. What is the procedural posture of this case, in light of the questions above?

The parties should be ready to discuss these issues and any others they may identify as they may apply to the Motions for Summary Judgment and to Limit Testimony and Evidence.

The date and place for the final hearing will be set upon the conclusion and decision of the Council on the two motions.

SO ORDERED.

DATED this 8th day of January 2019.



John Corra, Hearing Examiner
Environmental Quality Council

CERTIFICATE OF SERVICE

I, James Ruby, certify that at Cheyenne, Wyoming, on the 8th day of January 2019, I served a copy of the foregoing **Order for Continuance of Hearing** by electronic mail to the following:

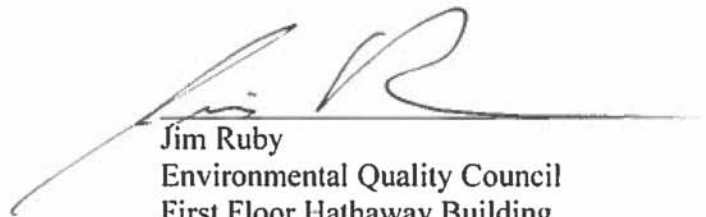
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