

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

IN THE MATTER OF THE APPEAL)
OF PROTECT OUR WATER)
JACKSON HOLE FROM)
PERMIT NO. 2023-025) **Docket No. 23-3801**

**JOINT MOTION TO VACATE SCHEDULING ORDER
AND SET SCHEDULING CONFERENCE**

COME NOW the Parties in this Matter, Petitioner Protect Our Water Jackson Hole (“POWJH”), Respondent Department of Environmental Quality (“DEQ”), and Intervenor Basecamp Teton WY SPV LLC (“Basecamp”), and jointly move the Environmental Quality Council to vacate the Scheduling Order dated February 22, 2024, and set a scheduling conference to enter a new scheduling order. In support of their motion, the Parties state as follows:

1. Pursuant to the February 22, 2024, Scheduling Order, the Council set a date of March 4, 2024, for Petitioner to amend its pleadings. Petitioner timely filed such a motion to amend pleadings by that date.
2. The Council acted on Petitioner’s motion to amend its pleadings on June 18, 2024, and gave the Department the option to supplement its pending November 29, 2023, Motion to Dismiss.
3. Basecamp filed its Motion to Dismiss on June 28, 2024.
4. The Department supplemented its Motion to Dismiss to address the new claims raised by Petitioner in its amended pleadings, and timely filed its Supplemental Motion to Dismiss on August 13, 2024.
5. The Council has set a hearing on DEQ’s Motion to Dismiss and Supplemental Motion to Dismiss, along with Basecamp’s Motion to Dismiss, for October 23, 2024.

6. The current Scheduling Order establishes a discovery cut-off date of October 29, 2024.

7. The Parties anticipate that it will be difficult to schedule depositions in the 4 business days between the hearing on the motions to dismiss and the current discovery cut-off date.

8. The Parties anticipate that the Council's decision on the motions to dismiss will dictate the course of not only depositions, but also dispositive motions, which must be filed by November 14, 2024 pursuant to the current scheduling order.

9. The Parties wish to delay scheduling costly depositions and drafting substantive dispositive motions until after the Council renders its decision on the jurisdictional motions to dismiss.

10. The Parties request that the Council vacate the current deadlines in the scheduling order and set a scheduling conference to reschedule the deadlines for discovery cut-off, dispositive motions, prehearing matters, and hearing in order to allow the Parties adequate time to conduct depositions and draft dispositive motions.

11. Vacating the current deadlines in the scheduling order will advance the interests of justice and better enable the Council to reach a decision on the merits with the benefit of full discovery in this matter. Vacating the current deadlines will also reduce unnecessary expenses for the Parties and inconvenience to deponents by allowing the Parties to schedule depositions with the benefit of a decision (or decisions) from the Council on the motions to dismiss. Finally, delaying the dispositive motions deadline will allow the Parties to have all jurisdictional questions answered and narrow the issues prior to conducting depositions and filing substantive dispositive motions

12. Therefore, the Parties request that the Council vacate the current scheduling order and set a scheduling conference to take place after the Council renders its decision on the pending motions to dismiss.

Respectfully submitted this 7th day of October, 2024.

/s/ Kelly Shaw

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October, 2024, a true and correct copy of the foregoing **JOINT MOTION TO VACATE SCHEDULING ORDER AND SET SCHEDULING CONFERENCE** was filed and served in accordance with Rules of Practice and Procedure, Chapter 2, Section 5(b) by uploading to Docket Entry No. 23-3801 at wyomingeqc.wyo.gov.

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