



JOHN MILNER
E-mail: jmilner@brunini.com
Direct: 601.960.6842

The Pinnacle Building, Suite 100 Post Office Drawer 119
190 East Capitol Street Jackson, Mississippi 39205
Jackson, Mississippi 39201
Telephone: 601.948.3101 Facsimile: 601.960.6902

October 19, 2009

Patricia Bullock
Regional Hearing Clerk
US EPA/Region 4
61 Forsyth Road
Atlanta, GA 30342

Via Hand Delivery

Re: Docket No. CWA-04-2008-5508
In the matter of Rodney O. Corr

Dear Ms. Bullock:

Enclosed for filing are the original and one copy of the following:

1. Notice of Entry of Appearance and Request for Service of All Pleading and Notice of All Proceedings; and
2. Motion for Continuance.

Sincerely,

Brunini, Grantham, Grower & Hewes, PLLC

John E. Milner

JEM/lm
Enclosures

cc: Wilda W. Cobb, Esq.
Philip G. Mancusi-Ungaro, Esq.
Honorable Barbara A. Gunning

OF COUNSEL:

John E. Milner, MSB No. 3332
Larry E. Allison, MSB No. 1534
Gene Wasson, MSB No. 9051
Julie Gresham, MSB No. 100974
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
Post Office Drawer 119
Jackson, Mississippi 39205
Telephone: 601-948-3101
Facsimile: 601-960-6902

CERTIFICATE OF SERVICE

I hereby certify that the original and a copy of the foregoing Notice of Entry of Appearance and Request for Service of All Pleading and Notice of All Proceedings was hand delivered to the Regional Hearing Clerk, and that a true and correct copy was served by hand delivery to Complainant, and that a true and accurate copy was served by facsimile and Federal Express to the Administrative Law Judge as follows:

Original and copy by Hand-Delivery:

Ms. Patricia Bullock
Regional Hearing Clerk
US EPA, Region 4
61 Forsythe St.
Atlanta, GA 30303

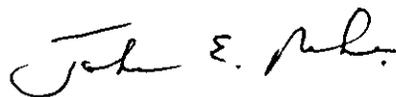
Copy by Hand-Delivery:

Wilda W. Cobb
Philip G. Mancusi-Ungaro
US EPA
Atlanta Federal Center
61 Forsythe Street, S. W.
Atlanta, GA 30303

Copy by facsimile and Federal Express:

Honorable Barbara A. Gunning
Office of Administrative Law Judges
US EPA
1099 14th Street NW
Suite 350
Washington, DC 20005
Facsimile: (202) 565-0044

This the 20th day of October, 2009.



John E. Milner

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

2009 OCT 20 PM 4:15

BEFORE THE ADMINISTRATOR

HEARING CLERK

IN THE MATTER OF

RODNEY O. CORR,

DOCKET NO. CWA-04-2008-5508

RESPONDENT

MOTION FOR CONTINUANCE

COMES NOW the Respondent, Rodney O. Corr, by and through his counsel, and moves the Court for an order continuing this matter, and would show in support thereof the following:

1. This matter is presently set for hearing commencing on November 30, 2009.
2. On September 28, 2009, Respondent contacted the undersigned counsel to represent him in this matter. Due to Hurricane Katrina, Respondent is presently living near Dallas, Texas. Counsel for Respondent are located in Jackson, Mississippi. Consequently, Respondent and his counsel were first able to meet on October 4, 2009, at which time Respondent provided copies of the parties' prehearing exchanges.
3. Counsel for Respondent has been working diligently to review all of the documentation in this matter and to "come up to speed" in order to provide Respondent with effective assistance of counsel.
4. On October 9, 2009, one of Respondent's counsel, John Milner, contacted EPA counsel to advise them that we would be representing Respondent. At that time, Mr. Milner

arranged a meeting with EPA counsel on October 20, 2009, to discuss the status of the case and to discuss the possibility of settling the matter. In addition, Mr. Milner advised that, in the event the parties could not settle the matter, Respondent would file a motion with the Court seeking a continuance of this matter so that we could retain expert witnesses, conduct discovery, and otherwise prepare for the hearing. The parties were unable to reach a settlement at the face-to-face meeting in Atlanta on October 20, 2009.

5. Respondent was proceeding *pro se* initially and did not understand the importance of conducting discovery in order to defend himself against the allegations of the Complaint. Thus, Respondent has conducted no discovery.

6. Respondent, now with the guidance of counsel, requires additional time prior to the hearing in order to conduct discovery and to amend his Answer and his Prehearing Exchange, all with leave of the Court which will be requested by separate motions. A tentative schedule of activities by Respondent is attached hereto as Exhibit A. Exhibit A is not intended to be all inclusive and Respondent reserves the right to conduct additional activities, particularly discovery, subject to the Court's consent.

7. Additionally, on October 16, 2009, shortly after learning of Respondent's retention of counsel, Complainant filed a Motion for Accelerated Decision. As a result, counsel for Respondent will be required to expend precious time prior to the presently scheduled hearing in order to address Complainant's motion.

8. The parties will not be prejudiced by a continuance and justice will be served by allowing Respondent's counsel adequate time to prepare for the hearing.

9. Given Respondent's recent retention of counsel in this matter and the complete lack of discovery by Respondent during his *pro se* representation, and the consequent need for

additional time to retain expert witnesses, take depositions, and further complete discovery, Respondent requests that the hearing of this matter be continued to accommodate the schedule set forth in Exhibit A hereto.

ACCORDINGLY, Respondent Rodney O. Corr requests that the Court order that the hearing in this matter be continued until April 1, 2010, or until such date as is agreeable to the Court and the parties.

Respectfully submitted, this the 20th day of October, 2009.

Respondent

Rodney O. Corr

By: John E. Milner
One of His Attorneys

OF COUNSEL:

John E. Milner, MSB No. 3332
Larry E. Allison, MSB No. 1534
Gene Wasson, MSB No. 9051
Julie Gresham, MSB No. 100974
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Jackson, Mississippi 39205
Telephone: 601-948-3101
Facsimile: 601-960-6902

CERTIFICATE OF SERVICE

I hereby certify that the original and a copy of the foregoing Motion for Continuance was hand delivered to the Regional Hearing Clerk, and that a true and correct copy was served by hand delivery to Complainant, and that a true and accurate copy was served by facsimile and Federal Express to the Administrative Law Judge as follows:

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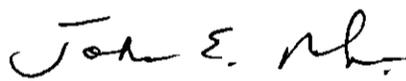
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This the 20th day of October, 2009.



John E. Milner

Initial Amendment of Prehearing Exchange		10/27/2009
FOIA Requests to EPA and DEQ		10/27/2009
Retain Expert for Corr		10/30/2009
Expert's site visit		11/15/2009
Expert's report (needs time to review exchange and FOIA docs)	Christmas	12/15/2009
Amend Answer		1/15/2010
Depositions:		1/15 - 2/15/2010
	Mike Wylie Mara Lindsley Frank Hubiak Florence Watson Jamie Bean Victor M. Panetta	
Final Amendment of Prehearing Exchange		2/30/2010
Conference re Stipulations		3/15/2010
Hearing		4/1/2010

Exhibit "A"