

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF)	COMPLAINANT’S MOTION FOR
)	VIDEO TESTIMONY FOR JAMES
)	COURTNEY
)	
)	
ADAMAS CONSTRUCTION AND)	
DEVELOPMENT SERVICES, PLLC)	
)	
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)	
AND)	
)	
NATHAN PIERCE,)	
)	
Respondents)	Docket No. CWA-07-2019-0262
)	
Proceedings under Section 309(g) of the)	
Clean Water Act, 33 U.S.C. § 1319(g))	

COMPLAINANT’S MOTION FOR VIDEO TESTIMONY FOR JAMES COURTNEY

COMES NOW, the United States Environmental Protection Agency (“EPA” or “Complainant”), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45, and submits this Motion for Video Testimony.

1. Complainant requests that the witness James Courtney testify via videoconference at the hearing scheduled for the week of August 22, 2022.

2. Complainant request video testimony because Mr. Courtney no longer works for Indian Health Services, now works for the National Park Service in New York, New York, and cannot take off time from work sufficient to travel to Billings, Montana.
3. Complainant has verified that the federal courthouse in which the hearing is scheduled has the capacity to conduct videoconferencing.
4. On June 21, 2022, Complainant discussed the proposed video testimony of Mr. Courtney with Respondent Nathan Pierce. Mr. Pierce does not oppose this proposal nor the filing of this motion with the Court.
5. Because Respondents will be able to cross examine Mr. Courtney and allows Respondents to call Mr. Courtney as their own witness, this motion is not prejudicial nor overly burdensome to Respondents.
6. On June 21, 2022, Respondents were advised that Complainant intends to file this Motion and Respondents expressed no objection.

RESPECTFULLY SUBMITTED this 23th day of June, 2022.

/s/ Chris Muehlberger
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CERTIFICATE OF SERVICE

I certify that the foregoing Complainant's Motion for Video Testimony for James Courtney, Docket No. CWA-07-2019-0262, has been submitted electronically using the OALJ E-Filing System.

A copy was sent by email to:

Nathan Pierce, Owner, Adamas Construction and Development Services PLLC:

Nathan Pierce
Email: *adamas.mt.406@gmail.com*

Date: 6/23/2022

/s/ Chris Muehlberger

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