



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

In the Matter of:)	
)	
Adamas Construction and)	Docket No. CWA-07-2019-0262
Development Services, PLLC, and)	
Nathan Pierce,)	
)	
Respondents.)	

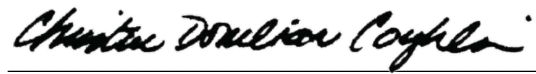
ORDER GRANTING A CONTINUANCE OF THE HEARING

By Order dated November 30, 2022, I rescheduled the hearing in this matter to be held beginning on April 3, 2023, in Billings, Montana, and set corresponding deadlines for certain prehearing procedures. On March 24, 2023, Respondents Adamas Construction and Development Services, PLLC, and Nathan Pierce (“Respondent Adamas” and “Respondent Pierce,” respectively) filed a Motion to Continue the Scheduled Hearing, accompanied by a Motion for Leave to File Out of Time and an affidavit in support. Therein, Respondents represent that Respondent Pierce recently learned of a heart condition requiring surgery on April 15, 2023, and that he was advised by his physician to avoid stress in the time leading up to and after the procedure. Respondents continue that these health issues make it difficult for Respondent Pierce to properly represent himself and Respondent Adamas at this time. Respondents further state that counsel for Complainant, the Director of the Enforcement and Compliance Assurance Division at the United States Environmental Protection Agency, Region 7, recently informed Respondents of the difficulty counsel has been experiencing in contacting at least one key witness, but that Respondents have been unable to address the matter sufficiently because of time constraints and Respondent Pierce’s health issues. Finally, Respondents state that some of the witnesses who Respondents intend to call to testify at the hearing are unavailable to testify at the hearing as currently scheduled. For the foregoing reasons, Respondents request a continuance of the hearing and the deadlines established in the November 30, 2022 Order.

Set forth at 40 C.F.R. Part 22, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) authorize me to schedule and regulate the course of the hearing in this matter. 40 C.F.R. §§ 22.21, 22.4(c). With particular relevance to the motions presently before me, the Rules of Practice provide, “No request for postponement of a hearing shall be granted except upon motion and for good cause shown.” 40 C.F.R. § 22.21(c).

Upon consideration, I find that Respondents have shown good cause for postponement of the hearing as currently scheduled. Accordingly, the Motions are hereby **GRANTED**. Given the age of this matter, I intend to reschedule the hearing as soon as practicable in June, July, or August 2023. Each party is hereby ordered to file a statement, on or before **April 7, 2023**, identifying any periods of unavailability for a hearing to be held during that timeframe. In the interim, if the parties wish to participate in the Alternative Dispute Resolution process offered by this Tribunal, the parties shall file a joint motion requesting the appointment of a neutral, with the understanding that doing so will not alter the prehearing deadlines and hearing as rescheduled by future order, absent settlement of this matter by the parties.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: March 29, 2023
Washington, D.C.

In the Matter of Adamas Construction and Development Services, PLLC, and Nathan Pierce,
Respondents
Docket No. CWA-07-2019-0262

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting a Continuance of the Hearing**, dated March 29, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original by OALJ E-Filing System to:
U.S. Environmental Protection Agency
Office of Administrative Law Judges
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

Copy by Electronic Mail to:
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Respondent

Dated: March 29, 2023
Washington, D.C.