

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII
11201 RENNER BOULEVARD LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
ADAMAS CONSTRUCTION AND)
DEVELOPMENT SERVICES, PLLC)
AND)
NATHAN PIERCE,)
Respondents)
Proceedings under Section 309(g) of the)
Clean Water Act, 33 U.S.C. § 1319(g))
)
)
)

) RESPONDENT’S MOTION FOR
) TO CONTINUE SCHEDULED
) HEARING
) Docket No. CWA-07-2019-0262

RESPONDENT’S MOTION TO CONTINUE THE SCHEDULED HEARING

Pursuant to 40 C.F.R. § 22.12, Respondents’ Nathan Pierce., and Adamas Construction and Development PLLC. respectfully file this Motion for Continuance of the hearing currently scheduled for Monday, April 3, 2023, and in support thereof show as follows:

I.

Since the order scheduling the hearing the Respondent Nathan Pierce has learned from a recent doctors visit that the respondent has more than 25% blockage to the right side of the heart and is scheduled to undergo a cardiovascular surgical procedure on April 15th, 2023, it is the recommendation of the Respondents physician that stress is to be avoided as much as possible leading up to and after the surgical procedure. As Mr. Pierce is self-represented and is representing Adamas Construction and Development Service PLLC these health issue make is difficult for the respondents to properly represent themselves.

II.

Further, the matter is of a complicated nature and even though the Agency has had years to

prepare its case, the agency has just informed the Respondents on March 20, 2023, the agency is having difficulty contacting and may not be able to produce named witnesses to include but not limited to the person who made the initial complaint to the EPA, Tom Robinson, as such there may be other legal strategies that the respondents can pursue and they need time to research and make proper filings.

Finally, some of the witnesses Respondents have retained or intend to retain for the hearing are unavailable to testify at the upcoming hearing. Postponing the hearing would allow Respondents and the Complainant to ensure the presence of all necessary witnesses at the hearing.

For the foregoing reasons, Respondents request the Court to grant a continuance and likewise continue all the deadlines specified on the November 30, 2022, Order Rescheduling Hearing. If continuance is not granted Respondents will suffer substantial harm or prejudice in presenting their claims and defense. The motion for continuance is not sought for delay only, but rather for health-related issues and so that justice may be done.

Respondent has contacted the Complainant and Complainant does not oppose or support this motion.

III.

WHEREFORE, Respondents request that the above-titled and numbered cause be removed from its present setting and reset the hearing as well as the deadlines on the hearing notice and order.

RESPECTFULLY SUBMITTED this 24th day of March 2023.

/s/ Nathan Pierce
Nathan Pierce
Respondent
16550 Cottontail TR
Shepherd, Montana 59079
Email: adams.mt.406@gmail.com

CERTIFICATE OF SERVICE

I certify that the foregoing Respondent's MOTION FOR LEAVE TO FILE OUT OF TIME, Docket No. CWA-07-2019-0262, has been submitted electronically using the OALJ E-Filing System. A copy was sent by email to:

Copy by Electronic Mail to:
Christopher Muehlberger, Esq.
Katherine Kacsur, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
Email: muehlberger.christopher@epa.gov
Email: kacsur.katherine@epa.gov
Attorneys for Complainant

Date: Thursday, March 24, 2023

/s/ Nathan Pierce
Nathan Pierce
Respondent
16550 Cottontail TR
Shepherd, Montana 59079
Email: adams.mt.406@gmail.com