



**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 RESCHEDULING HEARING

By Order dated August 19, 2022, I rescheduled the hearing in this matter to be held over videoconference beginning on November 14, 2022. Because of a family emergency, I was required to postpone the hearing as rescheduled, as communicated by email to the parties by a staff attorney for this Tribunal on November 3, 2022. The staff attorney subsequently communicated with the parties about their availability for the hearing in January, February, March, or April of 2023 and their preferences for the format of the hearing. Based on the parties' responses, and in accordance with my authority under the procedural rules governing this proceeding to schedule and regulate the course of the hearing, 40 C.F.R. §§ 22.21, 22.19(d), 22.4, certain prehearing filing deadlines and the hearing in this matter are hereby scheduled as follows:

Settlement Status Reports. Complainant is directed to file Status Reports as to the status of any settlement negotiations between the parties, *which shall not include any specific terms of settlement*, on or before **January 20, 2023**, and on or before **March 3, 2023**.

Motions. Non-dispositive motions, such as motions for additional discovery, motions for subpoenas, and motions in limine, shall be filed no later than **February 3, 2023**. Similarly, a party seeking to supplement its prehearing exchange may do so only by motion after **February 3, 2023**. Belated supplements to a party's prehearing exchange may be excluded from evidence at my discretion.

Prehearing Briefs. The parties may, if they wish, file prehearing briefs on or before **March 17, 2023**.

Hearing. The hearing in this matter will be held in person beginning promptly at **9:00 a.m.** on **Monday, April 3, 2023**, and continue as necessary through **Friday, April 7, 2023**, in or around Billings, Montana. The parties will be timely notified of the precise location for the

hearing once sufficient space has been reserved by the Office of Administrative Law Judges. The parties are hereby advised that the hearing will be held virtually using videoconferencing technology if conditions related to the spread of COVID-19 within the local community require it as the scheduled hearing approaches.

Individuals requiring special accommodations for the hearing, including the services of an interpreter, must contact Mary Angeles, Headquarters Hearing Clerk, at (202) 564-6281, no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made. If you have any procedural questions or questions about what to expect at the hearing, you may contact Jennifer Almase, an Attorney-Advisor for this Tribunal, at almase.jennifer@epa.gov or (202) 564-1170.

If any party does not intend to attend the hearing, or has good cause for not being able to attend the hearing as scheduled, it shall notify this Tribunal as soon as possible.

Complainant is advised that failure to appear at the hearing, without good cause having been shown, may result in dismissal of the case with prejudice. Respondents are advised that failure to appear at the hearing, without good cause having been shown, may result in the entry of a default judgment against them.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: November 30, 2022
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 Rescheduling Hearing**, dated November 30, 2022, 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:
Christopher Muehlberger, Esq.
Katherine Kacsur, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
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Attorneys for Complainant

Copy by Electronic and Regular Mail to:
Nathan Pierce
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Email: adamas.mt.406@gmail.com
Respondent

Dated: November 30, 2022
Washington, D.C.