



**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 March 29, 2023, I granted the request of Respondents Adamas Construction and Development Services, PLLC, and Nathan Pierce for a continuance of certain prehearing deadlines and the hearing scheduled in this matter to begin on April 3, 2023, in Billings, Montana. With the expectation of rescheduling the hearing to be held in June, July, or August, I ordered the parties to file statements regarding their availability for a hearing during that period. Complainant, the Director of the Enforcement and Compliance Assurance Division at the United States Environmental Protection Agency, Region 7, timely filed its Statement of Unavailability for a Hearing in Response to Order Granting a Continuance of the Hearing on April 6, 2023. To date, Respondents have not filed any such statement.

Based on Complainant's availability, 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, the following prehearing deadlines and the hearing in this matter are hereby scheduled as set forth below:

Settlement Status Report. Complainant is directed to file a Status Report as to the status of any settlement negotiations between the parties, *which shall not include any specific terms of settlement*, on or before **June 16, 2023**.

Motions. Non-dispositive motions, such as motions for additional discovery, motions for subpoenas, and motions in limine, shall be filed no later than **June 23, 2023**. Similarly, a party seeking to supplement its prehearing exchange may do so only by motion after **June 23, 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 **August 4, 2023**.

Hearing. The hearing in this matter will be held in person beginning promptly at **9:00 a.m.** on **Tuesday, August 22, 2023**, and continue as necessary through **Friday, August 25, 2023**, at the location set forth below:

**James F. Battin Federal Courthouse
4th Floor Courtroom (also known as the Ella Knowles Courtroom)
2601 2nd Avenue North
Billings, Montana 59101**

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: April 19, 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 Rescheduling Hearing**, dated April 19, 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: April 19, 2023
Washington, D.C.