## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7 11201 RENNER BOULEVARD LENEXA, KANSAS 66219 BEFORE THE ADMINISTRATOR

IN THE MATTER OF	) RESPODENT'S MOTION FOR
	) EXTENSION OF TIME TO FILE
ADAMAS CONSTRUCTION AND	) PREHEARING EXCHANGE(S)
DEVELOPMENT SERVICES, PLLC	)
	) and;
AND	)
NATHAN PIERCE,	) OPPOSITION TO
	) COMPLAINANT'S MOTION
Respondents	) FOR LEAVE TO AMEND THE
Proceedings under Section 309(g) of the	) COMPLAINT
Clean Water Act, 33 U.S.C. § 1319(g)	)
	) Docket No. CWA-07-2019-0262
	)
	)

## RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE(S) AND OPPOSITION TOI COMPLAINANT'S MOTION FOR LEAVE TO AMEND THE COMPLAINT

COMES NOW, the RESPONDENT ("Respondent"), by and through their attorney, Chris J Gallus, 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 Extension of Time to File Response Prehearing Exchange.

- 1. Respondent requests an extension of time to, to file their Prehearing Exchange. The October 18, 2019, Prehearing Order requires Respondent to submit its Prehearing Exchange by December 20, 2019.
- 2. On Dec 12, 2019 the Complainant notified the Respondents attorney, the Complainant intended to file a motion to amend the complaint and the amended complaint.

  On Dec 17, 2019 the Complainant notified the Respondents attorney, the Complainant had

filled a motion to amend the complaint and the amended complaint, with the ALJ.

3. Due to illness, the holidays and work schedule of undersigned, counsel has

been unable to confer with his client, and hereby requests additional time to file its

Prehearing Exchange.

4. Complainant conferred with Respondents' attorney by e-mail about their

motions. Respondents' counsel did respond on December 13, 2019 and requested a copy

of the amended complaint for review and evaluation, in order to properly advise his client

and help make an informed decision, the Complainant was informed at that time the

Respondent was opposed to any motions or amendments. The Respondent again informed

the Complainant on December 16, 2019 the respondent was to oppose the amended

complaint and motions. The email correspondence is attached to this motion.

For the above stated reasons, the Respondent, Opposes the Complainants motion and

amended complaint and respectfully request the court to deny the complainants motion

and amended filing; and the Respondent respectfully request and extension of the

Respondents prehearing exchange until the court has ruled on the Complainants motions

at such time the Respondent will have 14 day to file and response to the amended

complaint or file prehearing exchanges.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of December 2019.

/s/ Chris J. Gallus

Chris J. Gallus

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I certify that the foregoing Complainant's Motion to Amend the Complaint, Docket No. CWA-07-2019-0262, has been submitted electronically using the OALJ E-Filing System.

A copy was sent by email and postal mail to:

Attorney for Complainant:

Sara Hertz Wu, Senior Counsel Elizabeth Huston, Senior Counsel Office of Regional Counsel U.S. Environmental Protection Agency, Region 7 11201 Renner Boulevard Lenexa, Kansas 66219

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/s/ Chris J. Gallus
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