

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
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 RESPONSE TO
ORDER TO SHOW CAUSE
Docket No. CWA-07-2019-0262

RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW, the RESPONDENT ("Respondent"), by and through their attorney, Chris J Gallus, pursuant to the order to Show cause issued by the Honorable Presiding Officer and submits this, Respondent's Response to Order to Show Cause;

1. On Feb 20, 2020 the Respondent, was notified and issued and Order to Show Cause from the ALJ, to show cause on why the respondent failed to.
2. Due to illness, the holidays and work schedule of undersigned, counsel has been unable to confer with his client, and had to request additional time to file its Prehearing Exchange, the court and complainant were both advised of these issues as early as December of 2019 and the Counsel of record sent numerous emails. These illnesses of the undersigned council were communicated to both the court and the Complainant, Attorney of record for the Respondent has been under care due to chronic respiratory illnesses resulting from pulmonary embolisms. significantly contributed to the current situation you are having.

3. There was also an issue of sudden unexpected death of the undersigned attorney's brother in-law during this time that prevented the respondent and undersigned counsel from being able to properly communicate with one another and for the respondent to receive legal advice from his attorney. Those who are brought into contest with the government in a quasi-judicial proceeding aimed at control of their activities are entitled to be fairly advised of what the government proposes and to be heard upon the proposal before the final command is issued.

4. The multiple and frequent filing by the Complainant has added confusion for the respondent and the continued need to respond to such filing and emails has exhausted the funds available to the respondent and therefore he can no longer afford to retain counsel. Counsel has agreed to represent the respondent on a Limited Scope Representation; therefore, the respondent has been responsible for all legal research and drafting of documents, with limited paralegal training it has required more time than normal. Counsel of Record reviews all documents drafted and provides feedback on changes, this causes further delays in the ability of the respondent to respond rapidly.

5. The Constitution requires a hearing, it requires a fair one, held before a tribunal that meets currently prevailing standards of impartiality. A party must be given an opportunity not only to present evidence, but also to know the claims of the opposing party and to meet them. The respondent's case should be allowed to be heard based on its merits and should not be dismissed because of technicalities.

6. All items currently ordered by the Honorable Presiding Officer have been done by the defendants as of the date of this filing and the defendant has made a good faith effort to comply with the orders of the Honorable Presiding Officer and the defendant is aware that at this point forward he is responsible for complying with all orders of the Honorable Presiding Officer and will continue to make a good faith effort to

comply with all future orders.

7. The Defendant in this case will be filing a motion to dismiss this entire mater, within one week of the filing of this Response to Order to Show Cause, that is based on several acceptable theories of law including, but not limited to, Lack of Subject Matter Jurisdiction and Equitable Estoppel theories and the Respondent respectfully request the Honorable Presiding officer allow that motion and those theories to be presented and properly heard, as justice and due process demand.

8. The undersigned Council, Chris J Gallus, is still representing the Respondent on a limited scope basis, Mr. Pierce will be copied on all communications, that will be continued to be sent to Mr. Gallus.

For the above stated reasons, the Respondent, respectfully request the Honorable Presiding Officer not enter a default judgement against them and at a minimum allow them and their case to be heard.

RESPECTFULLY SUBMITTED this 5th day of March 2020.

/s/ Chris J. Gallus
Chris J. Gallus
Attorney at Law
1423 Otter Road
Helena, Montana 59602
Email: chrisjgalluslaw@gmail.com

CERTIFICATE OF SERVICE

I certify that the foregoing RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE, 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
Email: hertzwu.sara@epa.gov
Telephone: (913) 551-7316

/s/ Nathan Pierce
16550 Cottontail Trail
Shepherd, MT 59079
PH:406-697-3022
Email: Adamas.mt.406@gmail.com