

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
11701 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
) RESPONDENT'S MOTION FOR
) LEAVE TO FILE OUT OF TIME
ADAMAS CONSTRUCTION AND)
DEVELOPMENT SERVICES, PLLC)
) Docket No. CWA-07-2019-0262
)
AND)
)
NATHAN PIERCE.)
)
)
Respondents)
Proceedings under Section 309(g) of the)
Clean Water Act, 33 U.S.C. § 1319(g))
)
)
)
)

**MOTION FOR LEAVE TO FILE OUT OF TIME A RESPONSE TO COMPLAINANT'S
MOTION FOR ACCELERATED DECISION AS TO LIABILITY RESPONDENT'S AND
ALL EXHIBITS THERETO**

Comes now Respondent and moves this Court to grant Respondent's Motion for Leave to File Out of Time; and Respondent's Motion for Extension of time to Respond to Complainant's Motion for Accelerated Decision as to Liability, filed May 1st 2020, and All Exhibits Thereto. Since the filing of Complainant's Motion for Accelerated Decision As To Liability, Respondent and Respondents attorney of record have been unable to meet and properly coordinate a proper legally informed reply due to the COVID-19 Crisis and the National Emergency including "Stay At-Home" order for the State of Montana where both the Respondent and Attorney of record live. Although Respondent missed the Court's deadline of May 18, 2020, for the filing of a reply to the Complainant's Motion for Accelerated Decision As To Liability, this late filing will not result in prejudice to either party. Respondent has contacted the Complainant and Complainant does not oppose this motion. In support hereof, Respondent has attached an Affidavit in accordance with 40 C.F.R. § 22.5(b)(2).

RESPECTFULLY SUBMITTED this 20th day of May 2020.

/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 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: sarahertz@epa.gov
Telephone: (913) 551-7316

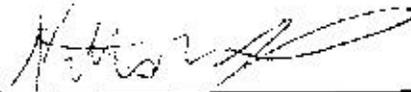
/s/ Nathan Pierce
Nathan Pierce
Respondent
16550 Cottontail TR
Shepherd, Montana 59079
Email: adams.mt.406@gmail.com

AFFIDAVIT

Comes now Affiant and attests and states as follows:

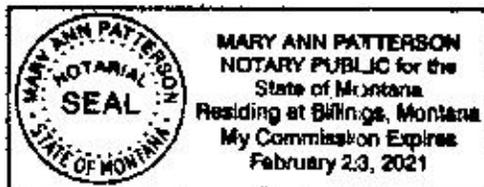
1. My name is Nathan K Pierce and I am the Respondent, in the Matter of Adamas Construction and Development Services PLLC and Nathan Pierce, Docket No. CWA 07-2019 0262.
2. On May 1st, 2020, Complainant filed a MOTION FOR ACCELERATED DECISION AS TO LIABILITY with the Court.
3. Due to on-going illness related to pulmonary embolisms of counsel of record and the need of counsel to self-quarantine due to COVID-19, the Respondent has been unable to properly confer with counsel of record in person, as such he has not been able to draft a proper legally informed reply and hereby requests additional time to file its Reply to the Complainants Motion.
4. Travel restriction and "Stay-at Home" order issued by Montana governor has caused further difficulty on the respondent being able to provide a legally informed reply in the time allowed by law and the respondent is seeking additional time to reply.
5. Respondent conferred with Complainants' attorney by e-mail about their motions. Complainants' Counsel for EPA has authorized the undersigned to represent that EPA does not object or oppose this Motion for Leave to File Out of Time.
6. Respondent is also filing a Motion for the extension of time to reply to the Complainants' MOTION FOR ACCELERATED DECISION AS TO LIABILITY and All Exhibits thereto simultaneously and Complainant has no objection to this filing or the granting of Respondent's Motion by the Court.

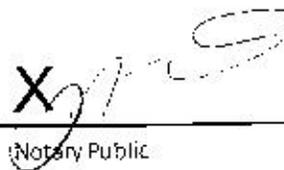
X



Affiant

Subscribed and sworn to before me, a Notary Public, this 20 day of June, 2020



X 

Notary Public