

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 EHR 07012

STEPHEN OWENS and JILLANNE BADAWI,)
)
 Petitioners,)
)
 v.)
)
 NORTH CAROLINA DEPARTMENT OF)
 ENVIRONMENTAL QUALITY,)
)
 Respondent.)
)
 and)
)
 WEYERHAEUSER COMPANY,)
)
 Respondent-Intervenor,)
)
 and)
)
 PASQUOTANK COUNTY,)
)
 Respondent-Intervenor.)

JOINT MOTION TO AMEND
SCHEDULING ORDER

NOW COME Petitioners Stephen Owens and Jillanne Badawi, Respondent North Carolina Department of Environmental Quality (“NCDEQ”), Division of Energy, Mineral, and Land Resources (“DEMLR”), Respondent-Intervenor Weyerhaeuser Company (“Weyerhaeuser”), and Respondent-Intervenor Pasquotank County (“the County”), collectively “the Parties,” by and through the undersigned counsel, pursuant to 26 N.C.A.C. 03.0101 and the North Carolina Rules of Civil Procedure, and, for the reasons stated in this motion, move the Court to amend its January 14, 2016 Scheduling Order to set a hearing on motions for summary

judgment on April 12 or 13, 2016, and to continue the contested case hearing to a later date. In support of this motion, the Parties show the Court as follows:

1. The Petitioners, Respondent, and Weyerhaeuser filed their respective motions for summary judgment and supporting memoranda on March 24, 2016;
2. The Parties believe that this matter is ripe for summary judgment and that there are no material facts in dispute;
3. The Parties agree that the issues in dispute are purely legal in nature and thus can be properly disposed of on summary judgment; and
4. The Parties believe that amending the scheduling order as proposed will be the most efficient way to present their arguments to the Court, and will conserve judicial resources and the resources of the Parties.

Accordingly, the Parties move that the Court:

1. Amend its January 14, 2016 scheduling order to set a hearing on the motions for summary judgment on April 12 or 13, 2016, to be held in Raleigh, North Carolina;
2. Amend its January 14, 2016 scheduling order to continue the presently scheduled contested case hearing and deadline to exchange exhibit and witness lists to a later date, if still necessary, following a ruling on the motions for summary judgment; and
3. Amend its March 11, 2016 order granting Respondent-Intervenor Pasquotank County's motion to intervene to allow the County to file its brief seven (7) business days before the first day of hearing of the motions for summary judgment.

Respectfully submitted this the 27th Day of March, 2016.

ROY COOPER
Attorney General

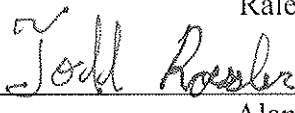
By: 

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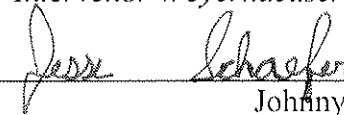
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CERTIFICATE OF SERVICE

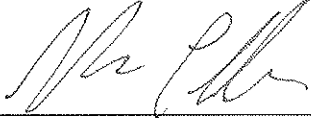
I certify that the attached JOINT MOTION TO AMEND SCHEDULING ORDER has been served by depositing a copy with the United States Postal Service with sufficient postage addressed to:

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Counsel for Respondent-Intervenor Pasquotank County

This the 29th day of March, 2016.



Asher Spiller
Assistant Attorney General

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

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ADMINISTRATIVE HEARINGS
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NORTH CAROLINA DEPARTMENT OF)
ENVIRONMENTAL QUALITY,)
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WEYERHAEUSER COMPANY,)
)
Respondent-Intervenor,)
)
and)
)
PASQUOTANK COUNTY,)
)
Respondent-Intervenor.)

AMENDED SCHEDULING
ORDER AND AMENDED
ORDER GRANTING
INTERVENTION OF
RESPONDENT-INTERVENOR
PASQUOTANK COUNTY

The undersigned hereby establishes the following Amended Scheduling Order:

1. A hearing on the parties' respective motions for summary judgment shall be heard **April** ____, **2016**. At least 10 days prior to the hearing the Administrative Law Judge will mail to the parties a more specific notice of the time and location of the hearing.
2. The contested case hearing currently scheduled for April 12-13, 2016 and the deadline for exchange of exhibit and witness lists is hereby continued to a later date pending this Court's consideration of the parties' arguments on summary judgment.

The undersigned further establishes the following Amended Order Granting Intervention of Respondent-Intervenor Pasquotank County (the “County”):

1. The March 11, 2016 order granting the County’s motion to intervene is hereby amended to allow the County to submit its written brief explaining its interpretation of the proper construction of Session Law 2013-51, Section 2, and its applicability to this contested case seven (7) business days before the first day of hearing of the parties’ motions for summary judgment.

This the _____ day of _____, 2016.

Melissa Owens Lassiter
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing AMENDED SCHEDULING ORDER AND AMENDED ORDER GRANTING INTERVENTION OF RESPONDENT-INTERVENOR PASQUOTANK COUNTY is DEEMED SERVED upon the following persons the date it is enclosed in a wrapper and placed in an official depository of the United States Postal Service, as evidenced by the postmark date of the wrapper, addressed as follows:

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Counsel for Respondent-Intervenor Pasquotank County

This the _____ day of _____, 2016.

By: _____

Lisa J. Garner
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