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Environmental Quality  
Board

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**J.C. BAKER & SON, INC.  
and BAKER OIL COMPANY,**

**Appellants,**

**v.**

**Appeal No. 22-03-EQB**

**KATHERYN D. EMERY, DIRECTOR,  
DIVISION OF WATER AND WASTE  
MANAGEMENT, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

**Appellee.**

**APPELLEE'S UNOPPOSED MOTION TO CONTINUE**

The Appellee, Katheryn D. Emery, Acting Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection ("WVDEP"), by counsel, hereby moves the Environmental Quality Board for entry of an order continuing the evidentiary hearing on the issues of ownership and operation from its previously scheduled dates of November 9 and November 10, 2022 to the January 12 and January 13, 2023 meeting of the Board. WVDEP requests additional time to prepare in light of WVDEP counsel's recent medical issues.

The Appellants do not oppose this motion. This motion is filed in good faith and not for the purposes of delay or prejudice to the parties.

KATHERYN D. EMERY,  
By Counsel

[COUNSEL SIGNATURE ON PAGE 2 OF 2]

*Scott Driver*

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**Appellee.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and complete copy of the attached *Appellee's Unopposed Motion to Continue* was delivered on the following persons by electronic mail on October 26, 2022, with hard copies served by United States Postal Service mail, first class, on the same date.

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