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BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD JUN 14 2024

WEST VIRGINIA WATER RESOURCES, INC.,

Environmental Quality
Board

Appellant,

Appeal No.: 24-01-EQB

v.

**JEREMY W. BANDY, DIRECTOR,
DIVISION OF WATER AND WASTE MANAGEMENT,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

JOINT MOTION TO CONTINUE AND ESTABLISH SCHEDULING ORDER

Pursuant to *W. Va. Code* § 22B-1-7 and Rules 5.3, 5.4 and 6.13 of the Environmental Quality Board (“Board”)’s Procedural Rules, Appellant West Virginia Water Resources, Inc. and Appellee West Virginia Department of Environmental Protection (“Parties”) hereby submit this Joint Motion to Continue the evidentiary hearing currently scheduled for July 11-12, 2024. The Parties state that a continuance for at least sixty (60) days is appropriate for the following reasons:

1. Both Parties believe the issues raised in this appeal are purely legal in nature and thus suitable for resolution by the Board through ruling upon cross-motions for summary judgment pursuant to Rule 56 of the West Virginia Rules of Civil Procedure, which the Board has adopted to guide the appeals process.
2. Should the Board decide that this appeal cannot be resolved through summary judgment, both Parties reasonably believe that they will require additional time to prepare for hearing in this matter, as they have spent considerable time prior to the filing of this motion in discussions aimed at reaching a potential informal resolution of the appeal, rather than preparing for an evidentiary hearing.

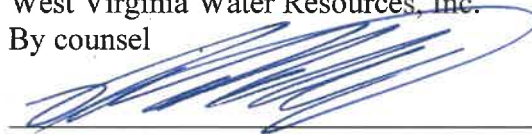
As a part of any order granting a continuance, the Parties further request the Board include a proposed Summary Judgment Motion Schedule for filing of motions and responsive briefs, as follows:

- a. June 28, 2024: Deadline for filing Motions for Summary Judgment and any supporting Memorandum;
- b. July 15, 2024: Deadline for filing Memorandum in Opposition to opposing Party's Motion; and
- c. July 22, 2024: Deadline for filing a Reply Brief in support of a Party's Motion.

WHEREFORE, the Parties request that the Board continue the evidentiary hearing for at least sixty (60) days, to (a) provide time for the filing of cross-motions for summary judgment, appropriate briefing (and oral argument, if desired), and for the Board to deliberate and rule on those motions; and (b) should the Board decline to grant summary judgment, to provide sufficient time for the parties to prepare for the evidentiary hearing in this appeal. The Parties also request such other relief as the Board deems just and proper.

Respectfully submitted:

West Virginia Water Resources, Inc.
By counsel



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CERTIFICATE OF SERVICE

As counsel for the Appellant, West Virginia Water Resources, Inc., I do hereby certify that on the ___ day of June, 2024, I served a true and exact copy of the foregoing Joint Motion to Continue and Establish Briefing Schedule on the following counsel by electronic mail and via regular first-class mail at the below address:

Chance Chapman, Esq.
West Virginia Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304



Robert M. Stonestreet (W. Va. Bar No. 9370)