

FILED

OCT 20 2008

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Jim Ruby, Executive Secretary
Environmental Quality Council

In the Matter of Permit No. CT-7066,) Docket No. 08-2801
Touchstone Materials, LLC, and)
Tom Berry and Susie Berry,)
Protestants.)

MOTION TO CONTINUE HEARING


COME NOW TOM BERRY AND SUSIE BERRY, the Protestants, by and through their undersigned attorneys, and respectfully move this Court for an order continuing the hearing on DEQ's Motion to Dismiss presently scheduled herein for the 27th day of October, 2008, at 8:00 a.m., and as grounds for said motion would state as follows:

1. That Protestants' counsel is currently out of the state receiving medical treatment and will be unavailable until 2009.
2. That counsel for the Department of Environmental Quality/Air Quality Division has no objection to said continuance.

WHEREFORE, Protestants pray that said hearing on DEQ's Motion to Dismiss in the above-entitled matter be continued to a date and time when Protestants' counsel is available to participate.

RESPECTFULLY SUBMITTED this 17th day of October, 2008.

GODDARD, WAGES & VOGEL:

By 
Christopher M. Wages for
Greg L. Goddard
Wyoming State Bar No. 5-1252
Attorney for Protestants
412 North Main Street
Buffalo, Wyoming 82834
(307) 684-9595

Certificate of Service

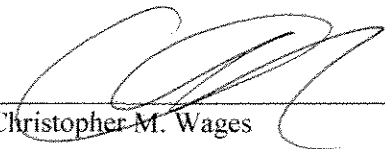
I, Christopher M. Wages, do hereby certify that on the 17th day of October, 2008, I caused a true and correct copy of the foregoing Motion to Continue Hearing to be served as follows:

John S. Burbridge	<input checked="" type="checkbox"/>	U.S. Mail
Senior Assistant Attorney General	<input type="checkbox"/>	Fed Ex
123 Capitol Avenue	<input type="checkbox"/>	Facsimile
Cheyenne, WY 82002	<input type="checkbox"/>	Hand-Delivered

David A. Finley	<input checked="" type="checkbox"/>	U.S. Mail
Administrator, Air Quality Division	<input type="checkbox"/>	Fed Ex
Department of Environmental Quality	<input type="checkbox"/>	Facsimile
Herschler Building	<input type="checkbox"/>	Hand-Delivered
122 West 25 th Street		
Cheyenne, WY 82002		

John V. Cora, Director	<input checked="" type="checkbox"/>	U.S. Mail
Department of Environmental Quality	<input type="checkbox"/>	Fed Ex
Herschler Building	<input type="checkbox"/>	Facsimile
122 West 25 th Street	<input type="checkbox"/>	Hand-Delivered
Cheyenne, WY 82002		

Mary Ann Porter	<input checked="" type="checkbox"/>	U.S. Mail
Manager	<input type="checkbox"/>	Fed Ex
Touchstone Materials, LLC	<input type="checkbox"/>	Facsimile
P.O. Box 735	<input type="checkbox"/>	Hand-Delivered
Meridian, ID 83680-0735		



Christopher M. Wages