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**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**IN THE MATTER OF THE OBJECTION            )**  
**TO THE SMALL MINE PERMIT OF            )**       **Docket No. 09-4801**  
**EVANS CONSTRUCTION COMPANY            )**  
**TFN 3 6/302                                    )**

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**MOTION TO CONTINUE**

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**COMES NOW** Julie T. Obering, Kindred LLC, and Linda and Harold Williams, and by and through their undersigned counsel, and hereby move for continuance of the hearing scheduled for April 28, 2009, and the hearing of April 30, 2009, and in support of their motion to continue the hearings state as follows:

1. Ms. Obering, Kindred LLC, and Mr. and Mrs. Williams have filed objections in this matter and have asked for an opportunity to have their concerns considered by the Environmental Quality Council.
2. Late last week, less than four business days before the hearing, they received an order purporting to schedule a pre-hearing conference and a formal hearing for April 30, 2009.
3. The Hearing Notice does not provide sufficient notice for Ms. Obering, Kindred LLC, and Mr. and Mrs. Williams to hire counsel, present witnesses and exhibits, and have this matter fully and fairly considered on the merits.

4. Further, it appears that the hearing notice does not comply with the requirements of the Administrative Procedure Act and sections 35-11 e.t.seq. of the Wyoming Statutes.

5. Further, the above parties have only recently retained counsel. Specifically, the parties retained counsel on the even date of this motion and counsel needs time to enter their appearance and prepare.

6. The above parties therefore move to continue the prehearing conference and the April 30<sup>th</sup> hearing in the above matter to a date and time convenient to the Hearing Officer and the parties which will allow the parties to have sufficient time to prepare witnesses and exhibits and have a full and fair opportunity to participate in the hearing.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of April, 2009.

THE RICHARD LAW FIRM, P.C.



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## CERTIFICATE OF SERVICE

This is to certify that on this 27<sup>th</sup> day of April, 2009, a true and correct copy of this **ENTRY OF APPEARANCE** was served on the following via electronic mail:

John Burbridge  
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