

**FILED**

JAN 11 2012

Jim Ruby, Executive Secretary  
Environmental Quality Council

**BEFORE THE ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

IN THE MATTER OF THE PROTEST                    )  
TO THE ISSUANCE OF THE PERMIT TO            ) Docket 11-3801  
CONSTRUCT NO. 11-008                            )

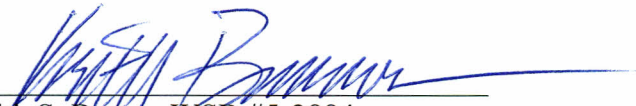
**STIPULATED MOTION TO CONTINUE HEARING ON MOTION TO DISMISS**

The parties to the above-captioned matter, through their undersigned counsel, hereby jointly move to continue the hearing on New Fashion Pork, LLP's ("NFP") Motion to Dismiss, currently scheduled for January 12, 2012, to the Environmental Quality Council's ("EQC") next meeting, scheduled for March 8-9, 2012. As grounds for this motion, NFP and Protestants represent that they are continuing to attempt to resolve all disputed matters related to the appeal in a manner that would avoid the need for any determination on the pending motion, but they require additional time to see if a resolution can be reached. Counsel for the Department of Environmental Quality, Water Quality Division ("DEQ/WQD") has been informed of these discussions and does not oppose the granting of a continuance. Should a resolution be reached, the parties will inform the EQC and request any further action or proceedings as may be appropriate.


WHEREFORE, the parties jointly move to continue the hearing on NFP's Motion to Dismiss to the next EQC meeting, scheduled for March 8-9, 2012.

RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of January, 2012.

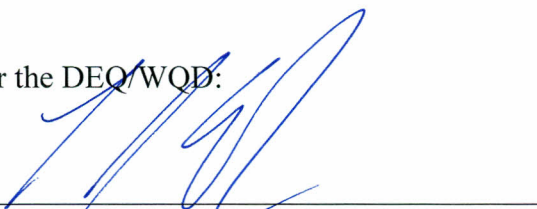
For New Fashion Pork, LLP:

  
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Keith S. Burrion WSB #5-2884  
Associated Legal Group, LLC  
1807 Capitol Ave., Suite 203  
Cheyenne, WY 82001  
307-632-2888  
Counsel for Respondent, New Fashion Pork, LLP

For Protestants Michael and Heidi Romsa:

  
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For the DEQ/WQD:

  
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Luke J. Esch WSB #6-4155  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002  
307-777-6946

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of January 2012 I served a true, full and correct copy of the foregoing *Stipulated Motion to Continue Hearing on Motion to Dismiss* upon the following by depositing the same in the US Mail, postage prepaid and addressed as follows:

Alexander K. Davison  
Patton & Davison  
1920 Thomes Ave., Suite 600  
P.O. Box 945  
Cheyenne, WY 82003-0945

Luke Esch  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002


And Hand Delivered to:

Tim Flitner, Chairman  
Environmental Quality Council  
122 W. 25<sup>th</sup> Street, Room 1714  
Herschler Building  
Cheyenne, WY 82002

And sent via email to:

Jim Ruby, Environmental Quality Council: [jim.ruby@wyo.gov](mailto:jim.ruby@wyo.gov)

Kim Waring, Environmental Quality Council: [kim.waring@wyo.gov](mailto:kim.waring@wyo.gov)

  
Keith S. Burrion