

FILED
OCT 03 2011

*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)

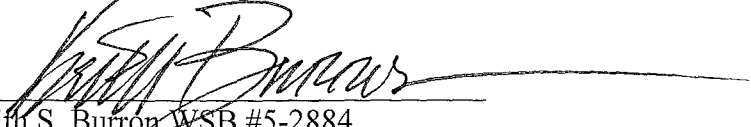
STIPULATED MOTION TO CONTINUE HEARING ON MOTION TO DISMISS

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 October 5, 2011, to the Environmental Quality Council's ("EQC") next meeting, scheduled for November 16 and 17, 2011. As grounds for this motion, NFP and Protestants represent that they are attempting 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 November 16 and 17, 2011.

RESPECTFULLY SUBMITTED this 3RD day of October, 2011.

For New Fashion Pork, LLP:



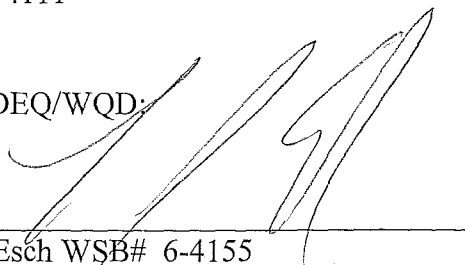
Keith S. Burrion WSB #5-2884
Associated Legal Group, LLC
1807 Capitol Ave., Suite 203
Cheyenne, WY 82001
307-632-2888
Counsel for Respondent, New Fashion Pork, LLP

For Protestants Michael and Heidi Romsa:



Alexander K. Davison WSB# 5-2492
Patton & Davison
1920 Thomes Ave., Suite 600
P.O. Box 945
Cheyenne, WY 82003
307-635-4111

For the DEQ/WQD:



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 3RD day of October, 2011 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. 25th Street, Room 1714
Herschler Building
Cheyenne, WY 82002


Keith S. Burron