

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
18 EHR 03376

Chatham Park Investors LLC,)
)
 Petitioner,)
)
 v.)
)
 Department of Environmental)
 Quality, Division of Water Resources,)
)
 Respondent.)
_____)

**JOINT MOTION FOR
TEMPORARY STAY**

NOW COME Petitioner Chatham Park Investors LLC (“Petitioner”) and Respondent Department of Environmental Quality, Division of Water Resources (“Respondent”), through counsel, pursuant to N.C. Gen. Stat. § 150B-33 and OAH Rules .0115, and move the Court for an Order staying all proceedings in this Contested Case for 90 days, until October 9, 2018. In support of this Motion, the parties state as follows:

1. On June 4, 2018, Petitioner filed a contested case petition.
2. On June 11, 2018, Administrative Law Judge Augustus B Elkins II issued a Scheduling Order in this matter.
3. Counsel for Respondent, counsel for Petitioner, and counsel for the Town have been actively engaged in discussions with each other regarding potential settlement of this matter.
4. Counsel for both parties desire additional time to continue their discussions toward the goal of resolving their respective concerns without the need for litigation.

5. The parties agree that it is in the best interest of both parties and in the interest of judicial economy to pursue settlement discussions before incurring the substantial time and expense of litigation.

6. The parties respectfully request that all proceedings in this Contested Case be stayed for 90 days until October 9, 2018. At that time, the parties will submit a status report updating the Court regarding their settlement negotiations, and whether the existing deadlines, starting with the Prehearing Statement deadline, should be placed back on the Court's schedule.

7. This request for stay is not being sought for any improper purpose, and fairness and justice will be served if this request is allowed. A proposed order is submitted herewith.

WHEREFORE, for the above-stated reasons, the parties jointly and respectfully request that the Court enter an Order for Temporary Stay of Proceedings: (1) staying all proceedings in this contested case until October 9, 2018; and (2) requiring the parties to submit a Status Report to the Court on or before October 9, 2018.

Respectfully submitted, this the 11th day of July, 2018.

/s/Joseph A. Ponzi
Joseph A. Ponzi
N.C. State Bar No. 36999
jponzi@brookspierce.com
V. Randall Tinsley
N.C. State Bar No. 14429
rtinsley@brookspierce.com
BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.
P.O. Box 26000
Greensboro, NC 27420-6000
Telephone: (336) 373-8850
Counsel for Petitioner

JOSHUA H. STEIN
Attorney General

/s/Brenda Menard
Brenda Menard
Special Deputy Attorney General
N.C. State Bar No. 35445
bmenard@ncdoj.gov
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602
Telephone: (919) 716-6600
Counsel for Respondent