Nov 17 12 07 PM 2010

STATE OF NORTH CAROLINA	AD	IN THE OFFICE OF MINISTRATIVE HEARINGS
COUNTY OF DUPLIN		10 EHR 5508
House of Raeford Farms Inc.)	
Petitioner)	
)	$(x_{ij}, x_{ij}) = (x_{ij}, x_{ij}) + (x_{ij}, x_$
VS.)	NOTICE OF DEFINITE
) .	HEARING DATE
North Carolina Department of Environment and)	G.S. 150B-23(b)
Natural Resources Division of Water Quality)	**
Respondent)	

NOTICE IS HEREBY GIVEN that the date, time, and location of the hearing in the above-captioned case is as follows:

DATE:

December 13 - 14, 2010

TIME:

9:00 AM

PLACE:

Office of Administrative Hearings

Courtroom A

1711 New Hope Church Road Raleigh, North Carolina 27609

This the 17th day of November, 2010.

BRG

Beecher R. Gray
Administrative Law Judge

Henry W. Jones Jr.
Jordan Price Wall Gray Jones & Carlton, PLLC
Attorneys at Law
PO Box 10669
Raleigh, NC 27605-0669
ATTORNEY FOR PETITIONER

Amanda Foster
Department of Justice
Attorney General's Office
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001
RESPONDENT

This the 17th day of November, 2010.

Office of Administrative Hearings

6714 Mail Service Center Raleigh, NC 27699-6714

(919) 431 3000

STATE OF NORTH CAROLINA

COUNTY OF DUPLIN

IN THE OFFICE OF

2010 NOV 22 DISTRATIVE HEARINGS
10 EHR 5508

House of Raeford Farms, Inc., Petitioner,	DMIN HEARINGS OF
,) PETITIONER AND RESPONDENT
v.) TO
) EXTEND TIME TO COMPLETE
North Carolina Department of Environment and) DISCOVERY
Natural Resources, Division of Water Quality,) AND CONTINUE AND
Respondent.) RESCHEDULE HEARING
-)

NOW COME PETITIONER, HOUSE OF RAEFORD FARMS, INC. (also, "HORF"), and RESPONDENT, NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WATER QUALITY (also, "DENR"; HORF and DENR, also, collectively, the "Parties"), by and through their respective counsel, and file these Joint Motions to Extend Time to Complete Discovery and Continue and Reschedule Hearing. In support thereof, Petitioner and Respondent show unto the Honorable Beecher R. Gray, Administrative Law Judge presiding, as follows:

1. Pursuant to the Scheduling Order dated and entered 15 September 2010 in this matter, the date by which discovery shall be completed is on or before 29 November 2010 and the date for the hearing for this contested case has been set for the week beginning 13 December 2010.

Joint Motion to Extend Time to Complete Discovery

- 2. The Parties are actively engaged in discovery at this time and require additional time to complete discovery, consistent with schedules of reasonable compliance proffered by Respondent pursuant to 26 N.C. Admin. Code 3 .0112(f).
 - 3. The time for completion of discovery in this matter has not expired.
- 4. HORF and DENR jointly move the Administrative Law Judge to extend the time for the Parties to complete discovery by an additional forty-five (45) days up to and including 13 January 2011.

Joint Motion to Continue and Reschedule Hearing Date

5. HORF and DENR jointly move the Administrative Law Judge enter an order continuing and rescheduling the hearing for this contested case to a week consistent with the concurrent Joint Motion to Extend Time to Complete Discovery made herein, if granted, and consideration of the schedules of counsel.

- 6. HORF and DENR jointly move the Administrative Law Judge as set forth above pursuant to all applicable administrative rules and regulations and the North Carolina Rules of Civil Procedure, including N.C. Gen. Stat. § 150B-33(4), 26 N.C. Admin. Code 3 .0115 and Rule 6(b) of the North Carolina Rules of Civil Procedure.
- 7. HORF and DENR jointly move that their Joint Motions to Extend Time to Complete Discovery and Continue and Reschedule Hearing be granted, and for such other and further relief as the Court may deem just and proper.

Respectfully submitted this the 22nd day of November, 2010.

JORDAN PRICE WALL GRAY JONES & CARLTON PLLC

By:

Henry W. Jones, Jr

N.C. Bar No. 8343

1951 Clark Avenue P. O. Box 10669

Raleigh, NC 27605-0669

Tel: 919.828.2501

FAX: 919.834.8447

ATTORNEYS FOR PETITIONER HOUSE OF RAEFORD FARMS, INC.

ROY COOPER

Attorney General

Anita LeVeaux

Assistant Attorney General

N.C. Bar No. 13667

N.C. Department of Justice

Environmental Division

Post Office Box 629

Raleigh, NC 27602-0629

Tel: 919.716.6600

ATTORNEYS FOR RESPONDENT NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WATER QUALITY

STATE OF NORTH CAROLINA	Filed		IN THE OFFICE OF
COUNTY OF DUPLIN	2010 NOV 24	ADMINISTRATIVE HEA 24 M 10 57 10 EHR 5508	ADMINISTRATIVE HEARINGS 57 10 EHR 5508
House of Raeford Farms, Inc., Petitioner,	Office Administrative	o) Hylearing	ORDER GRANTING JOINT MOTIONS OF
v.)	PETITIONER AND RESPONDENT TO
North Carolina Department of Envir Natural Resources, Division of Wat Respondent.)))	EXTEND TIME TO COMPLETE DISCOVERY
)	
THIS CAUSE being heard b	y the undersign	ed Adn	ninistrative Law Judge on Joint

THIS CAUSE being heard by the undersigned Administrative Law Judge on Joint Motions by Petitioner and Respondent to Extend Time to Complete Discovery and Continue and Reschedule Hearing in the captioned contested case, pursuant to N.C. Gen. Stat. § 150B-33(4), 26 N.C. Admin. Code 3 .0115 and Rule 6(b) of the North Carolina Rules of Civil Procedure; and for good cause shown, it appearing to the undersigned that the Joint Motion to Extend Time to Complete Discovery should be allowed;

IT IS THEREFORE ORDERED that the time for the Parties to complete discovery in this matter shall be extended by an additional <u>FORTY-FIVE</u> (4-5) days through and including <u>TANUARY</u> 13, 20 11, to allow the Parties sufficient time to complete discovery in this matter, as set forth in the Motion.

This the 23 day of NOVOMBOR, 2010.

Beecher R. Gray, Administrative Law Judge

Henry W. Jones Jr.
Jordan Price Wall Gray Jones & Carlton, PLLC
PO Box 10669
Raleigh, NC 27605-0669
ATTORNEY FOR PETITIONER

Amanda Foster
Department of Justice
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001
RESPONDENT

This, the 24 th day of November, 2010.

Katherine T. Randolph

Paralegal for ALJ Beecher R. Gray Office of Administrative Hearings

6714 Mail Service Center Raleigh, NC 27699-6714

(919) 431-3069

STATE OF NORTH CAROLINA

IN THE OFFICE OF

COUNTY OF DUPLIN

2010 DEC 22 PM 2: 03ADMINISTRATIVE HEARINGS 10 EHR 5508

House of Raeford Farms, Inc., Petitioner,	OFFICE O ADMIN HEAPI	F NGS PARTIES'
V)	MUTUAL AGREEMENT TO
V.)	HEARING DATES
North Carolina Department of Envir		IN RESPONSE TO
Natural Resources, Division of Water Respondent.	er Quality)	ORDER CONTINUING HEARING

NOW COMES PETITIONER, HOUSE OF RAEFORD FARMS, INC. ("HORF"), by and through counsel, with the consent of RESPONDENT, NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WATER QUALITY ("DENR") ("HORF" and "DENR" collectively, the "Parties"), and shows unto the Honorable Beecher R. Gray, Administrative Law Judge presiding, that the Parties were served with Order Continuing Hearing dated November 24, 2010, and in response thereto provide the following mutually agreed upon hearing dates during the month of March, excluding the week of March 28, 2011:

February 28 through March 4, 2011; and March 7 through March 11, 2011.

Respectfully submitted this the 22nd day of December, 2010.

JORDAN PRICE WALL GRAY JONES & CARLTON PLLC

By:

ry W. Jones, Jr

N.C. Bar No. 8343 Stephen R. Dolan

N.C. Bar No. 6122

By:

Lori P. Jones

N.C. Bar No. 32872

1951 Clark Avenue

P. O. Box 10669

Raleigh, NC 27605-0669

Tel:

919.828.2501

FAX: 919.834.8447

ATTORNEYS FOR PETITIONER, HOUSE OF RAEFORD FARMS, INC.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing PARTIES' MUTUAL AGREEMENT TO HEARING DATES IN RESPONSE TO ORDER CONTINUING HEARING was this day served upon the below-named persons by Hand Delivery, if so indicated, or by depositing a copy of the same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Anita LeVeaux, Assistant Attorney General N.C. Department of Justice Environmental Division Post Office Box 629 Raleigh, NC 27602-0629

VIA UNITED STATES MAIL

ATTORNEYS FOR RESPONDENT NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WATER QUALITY

This the 22nd day of December, 2010.

By

Stephen R. Dolan

Nov 24 10 53 AM 2010

STATE OF NORTH CAROLINA

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

COUNTY OF DUPLIN		10 EHR 5508
House of Raeford Farms Inc.)	
Petitioner)	,
)	
vs.)	ORDER CONTINUING
)	HEARING
North Carolina Department of Environment and)	•
Natural Resources Division of Water Quality)	
Respondent)	·

Upon the parties' joint request to continue this contested case, and for good cause shown, the hearing hereby is CONTINUED from December 13-14, 2010 in Raleigh, North Carolina, until a date to be determined.

The parties are to submit no later than December 20, 2010, their mutually agreed upon hearing dates during the month of March, 2011, excluding the week of March 28, 2011.

IT IS SO ORDERED.

This the 24th day of November, 2010.

Administrative Law Judge

Henry W. Jones Jr.
Jordan Price Wall Gray Jones & Carlton, PLLC
Attorneys at Law
PO Box 10669
Raleigh, NC 27605-0669
ATTORNEY FOR PETITIONER

Amanda Foster
Department of Justice
Attorney General's Office
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001
RESPONDENT

This the 24th day of November, 2010.

Office of Administrative Hearings

6714 Mail Service Center Raleigh, NC 27699-6714

(919) 431 3000

Apr 20 9 00 AM 2011

STATE OF NORTH CAROLINA	IN THE OFFICE OF ADMINISTRATIVE HEARINGS	
COUNTY OF DUPLIN	10 EHR 5508	
House of Raeford Farms Inc.)	_
Petitioner)	
)	
vs.) NOTICE OF HEARING OF MOTION	N
North Carolina Department of Environment and		
Natural Resources Division of Water Quality		
Respondent		

NOTICE IS HEREBY GIVEN that the above-captioned case is scheduled for hearing on all pending motions. The date, time, and location are as follows:

DATE: April 27, 2011

TIME: 10:30 am

PLACE:

Office of Administrative Hearings

Courtroom & C 1711 New Hope Church Road Raleigh, North Carolina

This the 20th day of April, 2011.

Augustus B. Elkins II

Administrative Law Judge

Henry W. Jones Jr.
Jordan Price Wall Gray Jones & Carlton, PLLC
Attorneys at Law
PO Box 10669
Raleigh, NC 27605-0669
ATTORNEY FOR PETITIONER

Anita LeVeaux
Assistant Attorney General
NC Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
ATTORNEY FOR RESPONDENT

This the 20th day of April, 2011.

Office of Administrative Hearings

Carlotte Committee Committ

6714 Mail Service Center Raleigh, NC 27699-6714

(919) 431 3000

Mar 11 9 00 AM 2011

STATE OF NORTH CAROLINA

IN THE OFFICE OF

COUNTY OF DUPLIN	ADMINISTRATIVE HEARINGS 10 EHR 5508
House of Raeford Farms Inc. Petitioner)
vs.) NOTICE OF HEARING
North Carolina Department of Environment and Natural Resources Division of Water Quality Respondent)))

NOTICE IS HEREBY GIVEN that the date, time, and location of the hearing in the above-captioned case is as follows:

DATE:

May 23-25, 2011

TIME:

10:00 am

PLACE:

Office of Administrative Hearings

Courtroom B

1711 New Hope Church Road

Raleigh, North Carolina

This the 11th day of March, 2011.

Augustus B. Elkins II

Administrative Law Judge

Henry W. Jones Jr.
Jordan Price Wall Gray Jones & Carlton, PLLC
Attorneys at Law
PO Box 10669
Raleigh, NC 27605-0669
ATTORNEY FOR PETITIONER

Anita LeVeaux
Assistant Attorney General
NC Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
ATTORNEY FOR RESPONDENT

This the 11th day of March, 2011.

Office of Administrative Hearings

6714 Mail Service Center Raleigh, NC 27699-6714

(919) 431 3000



STATE OF NORTH CAROLINA

LINA IN THE OFFICE 2011 AUG | | AUG | | OF ADMINISTRATIVE HEARINGS 10 EHR 5508

COUNTY OF DUPLIN

OFFICE OF ACTIVITIES AFRINGS

	1.1 1 00000
HOUSE OF RAEFORD FARMS, INC.,)
Petitioner,)
v .)) MOTION FOR CONTINUANCE)
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES,))))
Respondent.	<i>)</i>

NOW COMES HOUSE OF RAEFORD FARMS, INC., Petitioner, by and through the undersigned counsel, and hereby files this Motion for Continuance of the hearing currently scheduled for September 20, 2011. In support thereof, Petitioner shows unto the Administrative Law Judge presiding, as follows:

- 1. On August 3, 2011, the Honorable Augustus B. Elkins, II issued an order setting the date of hearing of this matter for September 20, 2011 at 10:00 a.m. at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina.
- 2. Attorney Henry W. Jones, Jr., lead counsel for Petitioner, is scheduled to be in Montana from September 12, 2011 through September 24, 2011, on a trip that has been set for over a year.
- 3. Counsel for Petitioner is available for hearing the weeks of October 24 or October 31, and can provide additional availability as needed.
- 4. Opposing counsel does not object to a continuance of the hearing until the weeks of October 24 or October 31.
- 5. Petitioner moves the Administrative Law Judge as set forth above pursuant to all applicable administrative rules and regulations and the North Carolina Rules of Civil Procedure, including N.C. Gen. Stat. § 150B-33(4), 26 N.C. Admin. Code 3 .0115 and Rule 6(b) of the North Carolina Rules of Civil Procedure.

WHEREFORE, Petitioner respectfully requests that its Motion for Continuance be granted, that the hearing of this matter be continued until the week of October 24 or October 31 or some other date thereafter, and for such other and further relief as the Court may deem just and proper under the circumstances.

This the \mathcal{L}^{h} day of August, 2011.

JORDAN PRICE WALL GRAY JONES & CARLTON, PLLC

By:

Henry W. Jones, Jr.

N.C. Bar No. 8343

Lori P. Jones

N.C. Bar. No. 32872

1951 Clark Avenue

P.O. Box 10669

Raleigh, NC 27605-0669

Telephone:

919.828.2501

Facsimile:

919.834.8447

Counsel for Petitioner House of Raeford Farms, Inc.

Via U.S. Mail and E-mail

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion for Continuance was this day served upon the below-named persons via e-mail and by depositing a copy of the same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Anita LeVeaux, Assistant Attorney General N.C. Department of Justice Environmental Division Post Office Box 629 Raleigh, NC 27602-0629 aleveaux@ncdoj.gov

COUNSEL FOR RESPONDENT

This the $///^{\ell}$ day of August, 2011.

By:

MOU

Filed STATE OF NORTH CAROLINA IN THE OFFICE QE ADMINISTRATIVE HEARINGS COUNTY OF DUPLIN 10 EHR 5508 Office of Administrative Programs HOUSE OF RAEFORD FARMS, INC., Petitioner, ٧. ORDER GRANTING PETITIONER'S MOTION FOR CONTINUANCE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, Respondent. THIS CAUSE being heard by the undersigned Administrative Law Judge on Petitioner's Motion for Continuance; and it appearing to the undersigned that good cause exists to grant such motion and to continue the hearing of this matter until October 25, 2011; IT IS THEREFORE ORDERED that Petitioner's Motion is GRANTED and the hearing

This the // day of August, 2011.

of this matter shall be scheduled for October 25

Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina.

Augustus B. Elkins II
Administrative Law Judge

, 2011 at 10:00 a.m. at the Office of

Henry W. Jones Jr.
Jordan Price Wall Gray Jones & Carlton, PLLC
Attorneys at Law
PO Box 10669
Raleigh, NC 27605-0669
ATTORNEY FOR PETITIONER

Anita LeVeaux
Assistant Attorney General
NC Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
ATTORNEY FOR RESPONDENT

This the

day of

, <u>2011</u>

Office of Administrative Hearings

6714 Mail Service Center Raleigh, NC 27699-6714

(919) 431 3000

Sep 19 12 22 PM 2011

STATE OF NORTH CAROLINA

IN THE OFFICE OF

COUNTY OF DUPLIN	AD	MINISTRATIVE HEARINGS 10 EHR 05508
House of Raeford Farms Inc.)	
Petitioner	,)	
vs.)	NOTICE OF HEARING
·)	,
North Carolina Department of Environment and)	
Natural Resources Division of Water Quality)	
Respondent)	

NOTICE IS HEREBY GIVEN that the above-captioned case will be brought on for hearing before the undersigned administrative law judge as follows:

DATE:

October 25-26, 2011

TIME:

10:00 am (or as soon thereafter as may be heard)

PLACE:

Office of Administrative Hearings

Courtroom B

1711 New Hope Church Road

Raleigh, North Carolina

- This hearing will be conducted in accordance with G.S. Chapter 150B and the Rules of 1. Contested Case Hearings in the Office of Administrative Hearings, copies of which may be obtained at cost from Molly Masich, Director of APA Services or by accessing the OAH Web page at http://www.oah.state.nc.us/hearings/#Chapter3.
- Unless otherwise determined by the administrative law judge, the hearing will proceed 2. in the following sequence:
 - Call of the case a.
 - Motions and other preliminary matters b.
 - Stipulations, agreements, or consent orders entered into the record c.
 - Opening statements d.
 - Presentation of evidence; cross-examination e.
 - Final arguments f.
- All parties are hereby notified to bring to the hearing all documents, records, and 3. witnesses needed to present the party's case.

NOTE: IF SPECIAL EQUIPMENT IS REQUIRED FOR THE PRESENTATION

OF EVIDENCE, THE PARTIES ARE RESPONSIBLE FOR MAKING ARRANGEMENTS FOR THE EQUIPMENT.

- 4. Subpoenas may be available to the parties pursuant to 26 NCAC 3 .0113 to compel the attendance of witnesses or for the production of documents.
- 5. A party may represent himself or be represented by an attorney. A party who is represented by an attorney must file a Notice of Representation within 10 days of service of this Notice containing the name, address, and telephone number of the attorney, unless the attorney has already corresponded with this Office concerning this case.
- 6. Request for continuances shall be made in writing at least five (5) days prior to the beginning of the hearing session. No continuances will be granted after that time, except for extraordinary circumstances, as determined by the judge.
- 7. Cases for hearing cannot be continued unless an order is signed by the administrative law judge. Parties are encouraged to obtain the consent of the opposing party when requesting a continuance.
- 8. Motions such as Motions to Dismiss and Motions for Summary Judgment must be filed In sufficient time in order to allow opposing parties the opportunity to respond in a timely manner. Motions are placed on the calendar only by order of the administrative law judge.

TAKE NOTICE THAT A FAILURE TO APPEAR AT THE HEARING MAY RESULT IN:

- 1. A finding that the allegations of or the issues set out in this Notice may be taken as true or deemed proved without further evidence;
- 2. Dismissal of the case or allowance of the motion or petition;
- 3. Suppression of a claim or defense; or
- 4. Exclusion of evidence.

NOTICE OF CANCELLATION OF HEARING

THE PARTIES MUST NOTIFY THE OFFICE OF ADMINISTRATIVE HEARINGS AT LEAST 24 HOURS PRIOR TO THE CANCELLATION OF THE CONTESTED CASE HEARING. FAILURE TO GIVE TIMELY NOTICE OF CANCELLATION MAY RESULT IN A CHARGE TO THE PARTIES FOR THE COST OF THE COURT REPORTER OR HEARING ASSISTANT. SEE 26 NCAC 3 .0123(f).

This the 19th day of September, 2011.

Augustus B. Elkins II

Administrative Law Judge

Henry W. Jones Jr.
Jordan Price Wall Gray Jones & Carlton, PLLC
Attorneys at Law
PO Box 10669
Raleigh, NC 27605-0669
ATTORNEY FOR PETITIONER

Anita LeVeaux
Assistant Attorney General
NC Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
ATTORNEY FOR RESPONDENT

This the 19th day of September, 2011.

Office of Administrative Hearings

6714 Mail Service Center Raleigh, NC 27699-6714

(919) 431 3000