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6 Attorneys for Intervener
Rockwood Lithium, Inc.

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8 NEVADA STATE ENVIRONMENTAL COMMISSION

9 In Re:

10 Appeal of Water Pollution Control
Permit NEV0070005
11 Permittee: Rockwood Lithium, Inc.

Motion to Dismiss Appeal

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13 On May 1, 2013, the Commission entered an Amended Order Regarding Briefing
14 Schedule in this appeal. In response to a request from appellants, the Commission
15 rescheduled the hearing and extended the due dates for briefs. The Order stated:

16 It is hereby ORDERED that Appellants Paul and Ana C. Rupp
17 and Dehnert Queen shall file a brief with the SEC on or
18 before May 17, 2013. The brief should contain a detailed
statement of the issue(s) to be raised during the hearing.
(emphasis added).


19 As of the close of business on May 23, 2013, Appellants have not complied with
20 the Order and have filed no brief. Neither have Appellants provided justification why
21 they have not complied with the Order.
22

23 Nine months have passed since the Appellants initiated this appeal. They have
24 yet to provide a statement of issues for the hearing. Intervener Rockwood Lithium, Inc.
25 hereby moves the Commission to dismiss the appeal because Appellants have not
26 complied with the Order and have failed to prosecute the appeal.
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Dated: May 24, 2013

Parsons Behle & Latimer

By: 
Jim B. Butler, Esq.
Nevada Bar No. 8389
John R. Zimmerman, Esq.
Nevada Bar No. 9729

Attorneys for Intervener
Rockwood Lithium, Inc.

Filed via email

1 CERTIFICATE OF SERVICE

2 The undersigned, an employee of Parsons Behle & Latimer, does hereby certify
3 that on the 29th day of May, 2013, a true and correct copy of the foregoing document,
4 MOTION TO DISMISS, was duly mailed, postage prepaid, to the following:

5 Paul and Ana C. Rupp
6 Box 125
7 Silver Peak, NV 89047

8 Appellant

9 Dehnert Queen
10 10500 Christenson Road
11 Lucerne Valley, CA 92356

12 Appellants

13 And served via email to:

14 Cassandra Joseph, Esq.
15 Deputy Attorney General
16 Nevada Attorney General's Office
17 100 N. Carson St.
18 Carson City, NV 89701-4717

19 Attorneys for Nevada Division of Environmental Protection

20 
21 Parsons Behle & Latimer