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6 Attorneys for Intervener
Rockwood Lithium, Inc.

8 NEVADA STATE ENVIRONMENTAL COMMISSION

9 In Re:

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

Second Motion to Dismiss Appeal

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13 On June 6, 2013, the Commission entered a third Amended Order Regarding
14 Briefing Schedule in this appeal. In response to a Appellants' failure to comply with the
15 prior scheduling order, the Commission once again extended the time for Appellants to
16 file an Opening Brief. The Order stated:

17 It is hereby ORDERED that Appellants Paul and Ana C. Rupp
18 and Dehnert Queen shall file a brief with the SEC on or
before June 17, 2013. (emphasis added).

19 The Order also clarified that filings of briefs was not optional and that the briefs were
20 required if Appellants were going to have a hearing before the Commission. It is now
21 June 18, 2013. Appellants have not complied with the amended Order and have filed no
22 brief. Neither have Appellants provided justification why they have not complied with the
23 amended Order. Accordingly, Respondent Rockwood Lithium moves the Commission to
24 dismiss the appeal and vacate the hearing date.
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26 Respondent Rockwood Lithium, Inc. is significantly prejudiced by Appellants'
27 repeated failure to comply with the Commission's briefing requirements. The hearing is
28

1 now less than one month away. Respondents have been unable to prepare for the
2 hearing because Appellants have yet to provide a statement of issues. Without
3 identification of the legal and factual bases for Appellants' claims, Respondents are
4 unable to identify and schedule witnesses or to complete research to respond to
5 Appellants' claims. Intervener Rockwood Lithium, Inc. hereby moves the Commission to
6 dismiss the appeal because Appellants have not complied with the amended Order and
7 have failed to prosecute the appeal.
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12 Dated: June 18, 2013

Parsons Behle & Latimer

13
14 By: 
15 Jim B. Butler, Esq.
16 Nevada Bar No. 8389
17 John R. Zimmerman, Esq.
18 Nevada Bar No. 9729

Attorneys for Intervener
Rockwood Lithium, Inc.

19 Filed via email
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1 CERTIFICATE OF SERVICE

2 The undersigned, an employee of Parsons Behle & Latimer, does hereby certify
3 that on the 18th day of June, 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

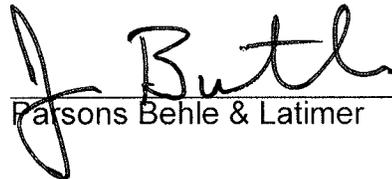
9 Dehnert Queen
10 10500 Christenson Road
11 Lucerne Valley, CA 92356

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