

1 Parsons Behle & Latimer  
Jim B. Butler, Esq.  
2 Nevada Bar No. 8389  
John R. Zimmerman, Esq.  
3 Nevada Bar No. 9729  
50 W. Liberty St., Suite 750  
4 Reno, NV 89501  
Telephone: (775) 323-1601  
5 Facsimile: (775) 348-7250

6 Attorneys for Intervener  
Rockwood Lithium, Inc.

7  
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**

12  
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.  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 29<sup>th</sup> 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