

STATE OF NORTH CAROLINA  
COUNTY OF CASWELL

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
21 EHR 01920

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| <p>Anita Foust Bryon Shoffner and The Thomas Day Caswell Holt Branch NAACP<br/>Petitioner,</p> <p>v.</p> <p>NC Dep't of of Env Quality, Division of Water Resources<br/>Respondent.</p> | <p><b>NOTICE OF CONTESTED CASE<br/>AND ASSIGNMENT<br/>G.S. 150B-23, 33(b)(4)</b></p> |
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**NOTICE IS HEREBY GIVEN** that a petition for a contested case hearing pursuant to G.S. 150B-23(a) was filed in and accepted by the Office of Administrative Hearings on April 20, 2021. In accordance with G.S. 150B-23(a) and 26 NCAC 3 .0103, Melissa Owens Lassiter, Administrative Law Judge, has been assigned to preside in this case. The administrative law judge may be contacted by mail at 6714 Mail Service Center, Raleigh, N.C. 27699-6700, or by telephone at 919-431-3000.

The Respondent is required to file a copy of the document constituting agency action, which caused the filing of the petition. During the pendency of the OAH Waiver Rule, this document must be filed within a reasonable time after the expiration of 30 days. However, if Respondent does not file the document constituting agency action, within the time frame as specified in this paragraph, then the presiding administrative law judge may issue an order setting a specific time limit, requiring the Respondent to file the document constituting agency action.

A copy of any document or other pleading filed with the Office of Administrative Hearings must also be sent to the other party at the time of filing. If a party changes his or her mailing address, or if the address is incorrect, the Office of Administrative Hearings must be notified of the new or corrected address.

**NOTE:** Attached is an Order for Prehearing Statements. You **MUST** complete the Order for Prehearing Statements and return it to our office within **30 days**.

This the 22nd day of April, 2021.



Julian Mann, III  
Chief Administrative Law Judge

**CERTIFICATE OF SERVICE**


The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

Valerie Bateman  
Forrest Firm  
valerie.bateman@forrestfirm.com  
Attorney For Petitioner

Rachel M Blunk  
Forrest Firm, PC  
rachel.blunk@forrestfirm.com  
Attorney For Petitioner

Carolyn Hudnell, Agency Contact  
NC Department of Environmental Quality, Division of Water Quality  
9001 Mail Service Center  
NC Department of Justice, Environmental Division  
Raleigh NC 27699  
Contact for Respondent

This the 22nd day of April, 2021.

  
Maria G Erwin  
Chief Hearings Clerk  
N. C. Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285  
Phone: 919-431-3000

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|---|---|

**Please complete this form and mail the original and one copy to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700; mail a copy to the other party and keep a copy for your records.**

**The Parties are required to file a copy of the Prehearing Statement. During the pendency of the OAH Waiver Rule, the Prehearing Statement must be filed and served within a reasonable time after the expiration of 30 days. However, if the Parties do not file the Prehearing Statement, within the time frame as specified in this paragraph, then the presiding administrative law judge may issue an order setting a specific time limit, requiring the parties to file a prehearing statement.**

**Failure of a party to comply with this Order for Prehearing Statements may result in the imposition of one or more of the sanctions set forth in G.S. 150B-33(b)(10) and 26 NCAC 03.0114(a) against the non-complying party, which may include the dismissal of the Petition if Petitioner fails to comply, or other appropriate sanctions against the Respondent if Respondent fails to comply.**

In order to permit the prompt preparation of this case for hearing,

IT IS HEREBY ORDERED, pursuant to 26 NCAC 3 .0104, that each party file with the Office of Administrative Hearings and serve upon the other parties a Prehearing Statement containing your present position with regard to the following:

1. **The issue(s) to be resolved** (additional pages may be attached if needed):

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2. **A brief statement of the facts and reasons supporting the issue(s) in dispute** (additional pages may be attached if needed):

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3. **The statutes, rules, and legal precedent, if known** (additional pages may be attached if needed):

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4. **A list of proposed witnesses you may call at the hearing** (additional pages may be attached if needed):

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5. **Whether you wish to pursue discovery. If so, the estimated length of time required.** (**Discovery** is a technical term used in the law that references acquiring of previously unknown facts and information about the case by one party from the other party through compliance with the specific rules governing pretrial procedures such as depositions, interrogatories and exchanging of exhibits, and the preparation time each party will need in order to be ready for hearing):

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6. **If you received a Scheduling Order, is the date and location of the hearing acceptable? If not, you must file a separate motion requesting a change.**

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7. **If you do not have an attorney representing you in this contested case, please provide the following information in order to receive communications from this Office. You are required to notify this office of any changes in this information:**

Home address: \_\_\_\_\_

Business address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Cell number: \_\_\_\_\_

Fax number: \_\_\_\_\_ Email address: \_\_\_\_\_

8. **Estimated length of hearing:**

\_\_\_\_\_

9. **Other special considerations** (additional pages may be attached if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
YOUR SIGNATURE

\_\_\_\_\_  
PRINT YOUR NAME

This the 22nd day of April, 2021.



\_\_\_\_\_  
Melissa Owens Lassiter  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

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Valerie Bateman  
Forrest Firm  
valerie.bateman@forrestfirm.com  
Attorney For Petitioner

Rachel M Blunk  
Forrest Firm, PC  
rachel.blunk@forrestfirm.com  
Attorney For Petitioner

Carolyn Hudnell, Agency Contact  
NC Department of Environmental Quality, Division of Water Quality  
9001 Mail Service Center  
NC Department of Justice, Environmental Division  
Raleigh NC 27699  
Contact for Respondent

This the 22nd day of April, 2021.



Maria G Erwin  
Chief Hearings Clerk  
N. C. Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh NC 27699-6700  
Phone: 919-431-3000

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The undersigned has established the following Scheduling Order. This Scheduling Order may be later amended in the discretion of the Administrative Law Judge, based upon information provided in the parties' Prehearing Statements.

During the pendency of the current pandemic, the OAH Hearings Division is currently operating under an order to virtually conduct contested case hearings insofar as practicable. Therefore, this contested case hearing will presumptively be conducted remotely, subject to any subsequent modifications that is deemed appropriate by the presiding administrative law judge under the authority of G.S. 150B-33(4).

The hearing for this contested case will be in Raleigh, North Carolina for the week beginning August 23, 2021.

At least 15 days prior to the hearing the Administrative Law Judge will mail to the parties either electronically or by U.S. Postal Service a more specific notice of the date, time and location of the hearing.

1. Discovery shall be completed on or before August 02, 2021.
2. Dispositive motions shall be filed on or before August 09, 2021.

IT IS SO ORDERED.

This the 22nd day of April, 2021.



Melissa Owens Lassiter  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

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Attorney For Petitioner

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Attorney For Petitioner

Carolyn Hudnell, Agency Contact  
NC Department of Environmental Quality, Division of Water Quality  
9001 Mail Service Center  
NC Department of Justice, Environmental Division  
Raleigh NC 27699  
Contact for Respondent

This the 22nd day of April, 2021.



Maria G Erwin  
Chief Hearings Clerk  
N. C. Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh NC 27699-6700  
Phone: 919-431-3000



**HEARING ASSISTANT/COURT REPORTER  
REQUEST FORM**

**TO:** Calendaring Clerk  
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh NC 27699-6700  
Phone: 919-431-3000

|                                     |   |
|-------------------------------------|---|
| <b>ADMINISTRATIVE LAW<br/>JUDGE</b> | Melissa Owens Lassiter  |
| <b>CASE NUMBER</b>                  | 21 EHR 01920  |
| <b>CASE NAME</b>                    | Anita Foust Bryon Shoffner and The Thomas Day Caswell Holt<br>Branch NAACP<br>Petitioner,<br><br>v.<br><br>NC Dep't of of Env Quality, Division of Water Resources<br>Respondent. |

I request that the above-styled hearing be recorded using the following method (check one):

Hearing Assistant (Provided by the Office of Administrative Hearings)

Court Reporter (Party requesting the Court Reporter is responsible for the Court Reporter fees)

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I am the:        Petitioner or                                       Respondent or  
                    Attorney for Petitioner                                       Attorney for Respondent

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Your Signature

---

Please print or type your name

---

Street or Post Office Box

---

Area Code and Telephone Number

---

City, State and Zip Code