

**CERTAIN OBJECTORS' MOTION TO VACATE AND RESCHEDULE HEARING**

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IN THE MATTER OF FREMONT PAVING & REDI-MIX INC.'S PUEBLO COUNTY AGGREGATE PROJECT APPLICATION (File No. M-2016-009)

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Objectors, Hobbs Family Farm, Rusler Produce, Inc., Kelly G. Bond, Jason and Tina Potestio, and Michael and Velma Rinks, file this Motion to Vacate and Reschedule Hearing. As grounds for the motion, Objectors state as follows:

1. Objectors, along with numerous other parties, oppose Fremont Paving & Redi-Mix Inc.'s Pueblo County Aggregate Project Application, File No. M-2016-009. An approximately one-day hearing before the Mined Land Reclamation Board ("Board") is currently scheduled for either November 15 or 16, 2016.

2. All of the Objectors have party status to participate in the hearing. In addition to the Objectors filing this Motion, there are approximately five other opposers to this Application who also have party status.

3. Collectively all opposers to this Application will have 75 minutes for their initial presentation and 30 minutes for their rebuttal presentation before the Board. All of the Objectors have indicated that they desire to participate in the scheduled hearing in this matter and will present evidence to the Board. The Objectors anticipate that the five remaining opposers who have party status will likewise present evidence to the Board in the scheduled hearing in this matter.

4. Objectors seek to vacate and reschedule the November 15 or 16, 2016, hearing for the following reasons:

A. Many of the Objectors irrigate under the Bessemer Irrigating Ditch. Those farmers are currently at the end of their harvest and are exceptionally busy in finishing their harvest and preparing their fields for the winter. The November 15 or 16, 2016, hearing will take at least one full day away from these Objectors in the middle of one of their busiest times of the year. The Objectors desire to have the hearing outside of the final weeks of harvest, preferable this winter before spring planting. This will allow these Objectors the opportunity to prepare for the hearing as well as be able to participate at the hearing.

B. All opposers to this Application will have limited time to express their concerns to the Board. This limited time will require the opposers to present their evidence to the Board efficiently with little duplication. Such efficiency, however, requires coordination among all of the opposers. The Objectors desire additional time to

communicate among themselves and with the other opposers to be able to coordinate the presentation of this evidence efficiently to the Board.

WHEREFORE, the Objectors request that the Board vacate and reschedule the November 15 or 16, 2016, hearing in this matter, with a new hearing date sometime in January or February of 2017.

Respectfully submitted this 4<sup>th</sup> day of November 2016.

MONSON, CUMMINS & SHOHET, LLC

/s/ David M. Shohet  
David M. Shohet, #36675

## CERTIFICATE OF SERVICE

I hereby certify that I have duly served the Objectors' Motion to Vacate and Reschedule, to the parties herein this 4<sup>nd</sup> day of November 2016, addressed as follows:

James Stark  
[jim.stark@state.co.us](mailto:jim.stark@state.co.us)

John Paul Ary  
[jp@arycorp.com](mailto:jp@arycorp.com)

Angela Bellantoni  
[eai@bresnan.net](mailto:eai@bresnan.net)

Karen R. Jones  
c/o Thomas Rusler  
[tommy@ruslerproduce.com](mailto:tommy@ruslerproduce.com)

Hobbs Family Farm  
c/o Daniel G. Hobbs  
[danghobbs@gmail.com](mailto:danghobbs@gmail.com)

Rusler Produce, Inc.  
[Tommy@ruslerproduce.com](mailto:Tommy@ruslerproduce.com)

David Cockrell  
[davidcockrell@comcast.net](mailto:davidcockrell@comcast.net)

Kelly G. Bond  
[jbond1820@msn.com](mailto:jbond1820@msn.com)

Pisciotta Farms & Produce Marketing  
c/o Joe P. Pisciotta  
[pisciottafarms@msn.com](mailto:pisciottafarms@msn.com)

Jose Munoz  
47300 Olson Road  
Avondale, CO 81022

Jason and Tina Potestio  
[whinniefancy@yahoo.com](mailto:whinniefancy@yahoo.com)

Michael and Velma Rinks  
[hlranch@earthlink.net](mailto:hlranch@earthlink.net)

Larga Vista Ranch  
c/o Doug and Kim Wiley  
[info@largavistaranch.com](mailto:info@largavistaranch.com)

Elliott Russell  
[elliott.russell@state.co.us](mailto:elliott.russell@state.co.us)

Scott Schultz  
[scott.schultz@coag.gov](mailto:scott.schultz@coag.gov)

/s/ Fay M. Whitfield