

August 5, 2016

Frances Spivey-Weber  
Hearing Officer,  
State Water Resources Control Board  
1001 I Street,  
Sacramento, CA 95814

Dorene D'Adamo  
Hearing Officer,  
State Water Resources Control Board  
1001 I Street,  
Sacramento, CA 95814

Dear Hearing Officers:

The purpose of this letter is to respectfully request that the hearing set in this matter for October 14, 2016, and related pre-hearing dates, be continued for 60-90 days. This request for continuance is made jointly by counsel for the Prosecution Team, Mr. Taurianen, counsel for Mr. Passalaqua, Ms. Henderson, and the undersigned counsel for Mr. Hoy after meeting and conferring.

The continuance is requested because:

1. The hearing will involve whether the property has riparian rights, which requires evaluation of the property's chain of title. Mr. Hoy obtained the chain of title and has shared it with the Prosecution Team to facilitate settlement discussions. However, it has taken eight months to obtain the complete chain, with the final documents not located until the end of July 2016. Thus, the Prosecution Team is just starting its review of the provided information. The parties have set a settlement meeting for August 18, 2016 and expect to make solid progress towards settlement in August, hopefully obviating the need for the hearing.
2. Mr. Hoy made a public records act request to the State Board in November 2015 for all records regarding the enforcement action. To date, the records have not been produced. The Prosecution Team is reviewing the documents responsive to the request and hopes to start producing the documents this week with production continuing through at least next week. If this matter continues to hearing, Mr. Hoy and Mr. Passalaqua will need sufficient time to review the State Board's documents to prepare for the hearing.

Thank you for your consideration of this request.

Very Truly Yours,



Jennifer Spalletta  
Attorney at Law  
Counsel for Peder Hoy

**STATEMENT OF SERVICE**

**Passalaqua/Hoy CDO/ACL Hearing**

I hereby certify that on August 5, 2016, I submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

**REQUEST FOR CONTINUANCE FOR THE HEARING SET ON OCTOBER 14, 2016**

to be served **by Electronic Mail** (email) upon the parties listed below:

Party Affiliation	Email Address
Andrew Taurianien – Prosecution Team	<a href="mailto:Andrew.Tauriainen@waterboards.ca.gov">Andrew.Tauriainen@waterboards.ca.gov</a>
Hearing Officer Frances Spivey-Weber – State Water Resources Control Board	<a href="mailto:Wr_Hearing.Unit@waterboards.ca.gov">Wr_Hearing.Unit@waterboards.ca.gov</a>
Hearing Officer Dorene D'Adamo – State Water Resources Control Board	<a href="mailto:Wr_Hearing.Unit@waterboards.ca.gov">Wr_Hearing.Unit@waterboards.ca.gov</a>
Stacy Henderson – Counsel for Mike Passalaqua	<a href="mailto:shenderson@thtlaw.com">shenderson@thtlaw.com</a>

I certify that the foregoing is true and correct and that this document was executed on August 8, 2016  
Date

Signature:  \_\_\_\_\_

Name: Russell Frink, Esq.

Party/Affiliation: Peder Hoy

Address: P.O. Box 2660, Lodi, CA 95241