STATE OF NORTH CAROLINA COUNTY OF PERQUIMANS	IN THE OFFICE OF ADMINISTRATIVE HEARINGS 15 EHR 07012
STEPHEN E. OWENS and JILLIANNE G. BADAWI, Petitioner, v. N.C. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF ENERGY, MINERAL AND LAND RESOURCES Respondent.	**RESPONDENT'S MOTION TO DISMISS**

NOW COMES Respondent, North Carolina Department of Environmental Quality ("NCDEQ"),[1] Division of Energy, Mineral and Land Resources ("DEMLR"), by and through the undersigned counsel, pursuant to 26 N.C.A.C. 03.0101 and Rules 12(b)(1) and 12(b)(6) of the North Carolina Rules of Civil Procedure, and, for the reasons stated in the Memorandum of Law in Support of Motion to Dismiss filed contemporaneously with this Motion, moves to dismiss the Petition for Contested Case Hearing filed in the above-captioned matter.

Respectfully submitted this is the 3rd day of November, 2015.

ROY COOPER
ATTORNEY GENERAL

By: _____

Asher P. Spiller
Assistant Attorney General
NC State Bar No. 46425
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Counsel for Petitioner

[1] The North Carolina Department of Environment and Natural Resources has been renamed the North Carolina 111Department of Environmental Quality effective September 18, 2015.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing MOTION TO DISMISS has been served on Petitioner by depositing a copy of the same in an official depository of the United States Mail, first class, postage prepaid, and addressed to Petitioner's counsel of record as follows:

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Counsel for Petitioner

This the 3rd day of November, 2015.

Asher P. Spiller
Assistant Attorney General