

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 35

DOCKET NO. W-1300, SUB 77

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

WLI Investments, LLC,)	
)	
Complainant)	CONSENT MOTION TO POSTPONE HEARING, REQUIRE CASE STATUS REPORT, AND MODIFY PROCEDURAL AND DISCOVERY DEADLINES
)	
v.)	
)	
Pluris Hampstead, LLC, and Old North State Water Company, LLC,)	
)	
Respondents.)	

NOW COMES WLI Investments, LLC, (“WLI Investments”), by and through the undersigned counsel and moves the Commission to postpone the hearing scheduled in this proceeding for December 6, 2022, to a date to be determined in January 2023, to require the parties to update the Commission on the status of this case on or before January 2, 2023, and to modify certain procedural and discovery deadlines more particularly identified herein. In support of this Motion, WLI Investments respectfully shows unto the Commission the following:

1. On January 3, 2022, WLI Investments filed its Verified Complaint and Petition for Declaratory Ruling (“Complaint”), alleging, *inter alia*, that Pluris Hampstead, LLC (“Pluris”) and Old North State Water Company, LLC (“ONSWC,” together with Pluris, “Respondents” and collectively with WLI Investments, “the Parties”) engaged in unreasonable and unjust practices in their dealings with WLI Investments in breach of a 2018 contract between WLI Investments and ONSWC (“Development Agreement”) and in violation of certain provisions of the Public Utilities

Act, arising from the development activities in and adjacent to the Salters Haven subdivision in Pender County, North Carolina.

2. On January 18, 2022, ONSWC and Pluris filed Respondents' Answer, denying many of the allegations of the Complaint and requesting that the Commission issue an order dismissing the Complaint for failure to state a claim upon which relief can be granted.

3. On January 24, 2022, the Commission issued an *Order Serving Answer and Motion to Dismiss*.

4. On February 1, 2022, WLI Investments filed its Reply and Motion for Procedural Order.

5. On August 22, 2022, the Commission issued an Order that, among other things, scheduled this matter for hearing on December 6, 2022, and required the parties to pre-file testimony in advance of the hearing.

6. On October 3, 2022, WLI Investments timely filed the direct testimony and exhibits of D Logan.

7. On November 4, 2022, the Respondents timely filed the testimony of their witnesses.

8. On November 16, 2022, WLI Investments filed the rebuttal testimony and exhibits of D Logan.

9. On November 23, 2022, the Respondents jointly filed a motion to strike portions of WLI Investments' witness Logan's rebuttal testimony.

10. On or around November 23, 2022, the Parties opened discussions and negotiations that may lead to a resolution of the dispute herein, and agreed among themselves that any

procedural or discovery deadlines would be tolled while the parties were engaged in negotiations aimed at settling this matter.

11. The Parties agree that there is a likelihood that the Parties will reach settlement of this matter, and the Parties desire additional time in which to complete those negotiations and relief from certain procedural and discovery deadlines to allow them to devote time and effort solely to the settlement of this matter.

12. The Parties agree that postponing the hearing until a date to be determined in January 2023, while requiring the Parties to update the Commission on the case status in the interim, will afford the Parties sufficient time to either reach agreement or to determine that a settlement is not possible, and keep the Commission apprised of the case status.

13. The Parties further agree that relief from the following procedural or discovery deadlines will afford the Parties the opportunity to devote efforts solely to the settlement negotiations and will provide for an orderly conduct of the proceeding in advance of the hearing: (i) the time for WLI Investments to respond to Respondents' Motion to Strike, filed in this proceeding on November 23, 2022; (ii) the time for WLI Investments to respond to Pluris' Data Request No. 4, which was served on WLI Investments on November 18, 2022, with a response requested by December 1, 2022; and (iii) the time for the Parties to file stipulated facts.

14. Pluris and ONSWC authorize the undersigned to state that they consent to this Motion.

WHEREFORE, WLI Investments respectfully requests that the Commission issue an order postponing the December 6, 2022 hearing until a date in January 2023, yet to be determined; requiring the parties to report to the Commission on the status of this case by filing one or more case status reports in these dockets on or before January 2, 2022; allowing WLI Investments to file

its response to the Respondents' Motion to Strike on or before December 14, 2022; and allowing WLI Investments until December 6, 2022 in which to respond to Pluris' Data Request No. 4.

Respectfully submitted this 2nd day of December, 2022.

/s/ Patrick Buffkin
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CERTIFICATE OF SERVICE

The undersigned, Patrick Buffkin, certifies that a copy of the foregoing Consent Motion to Postpone Hearing, Require Case Status Report, and Modify Procedural and Discovery Guidelines has been served upon counsel for the Respondents herein by electronic mail this the 2nd day of December, 2022.

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