

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH
Docket No: W-1297, Sub 14**

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

MRT-1, LLC,)	
)	
Complainant,)	
)	
v.)	MOTION TO CONTINUE HEARING
)	AND/OR WITHDRAW AS COUNSEL
HARKERS ISLAND SEWER COMPANY,)	FOR RESPONDENT
)	
Respondent.)	

NOW COMES Respondent Harkers Island Sewer Company (“HISCO”), by and through counsel, and moves the Commission for entry of an order continuing the currently scheduled December 14, 2021 hearing of this matter. In support, Respondent HISCO says as follows:

1. Relevant facts regarding the procedural background of this matter are described in prior Orders issued by the Commission, including the Commission’s December 18, 2020 “Order Scheduling Hearing” and its February 26, 2021 “Order Scheduling Hearing to be Held Remotely.”

2. In recent weeks and months, counsel for Respondent has experienced severe nerve pain associated with a prior shingles attack. While counsel has successfully striven to deal with his chronic post shingles neuropathy for over six years now, in the past several months the level of pain has increased significantly.

3. Counsel’s level of pain is related to stress, but also apparently to worsening of the damage to the Ulna nerve complex in his left lower arm, wrist, hand and fingers.

4. Approximately two months ago, the increased pain levels experienced by counsel led him to make emergency consultation appointments with four different physicians in eastern North Carolina. As a result, counsel underwent implantation of a trial spinal cord stimulator, recommended by the Mayo Clinic, but carried out by counsel’s local pain management physician. The trial was successful in reducing counsel’s pain levels.

5. Unfortunately, when the trial ended, counsel’s pain levels returned at increased levels of

intensity. Additionally, counsel's local pain management physician does not perform permanent spinal cord stimulator implants which require the services of a neurosurgeon. Counsel consulted with two different neurosurgeons in eastern North Carolina and very recently was able to secure a consultation with a neurosurgeon associated with Vidant in Greenville, North Carolina.

6. While normally booked up for months in advance, this neurosurgeon was able to provide a surgery date of December 13, 2021 as a result of a recent cancellation by another patient. As a result, counsel is scheduled for in-hospital neurosurgery on Monday, December 13, 2021. As a result, counsel will be unable to represent Respondent at the currently scheduled hearing in this matter.

7. Moreover, counsel has been advised to seriously consider retirement and/or disability insurance claims depending on the level of success of his upcoming surgery.

8. Counsel has spoken today with his client and his client understands the predicament that now faces counsel. The sole manager/operator of Respondent HISCO is willing and able to appear at the currently scheduled December 14, 2021 hearing and represent HISCO himself. However, such would appearance would appear to violate the provisions of NCUC R1-22.

9. Pursuant to NCUC R1-30, Respondent HISCO requests that the Commission waive the express terms of Rule R1-22(a) and allow Mr. Michael Laws, sole operator and manager of Respondent HISCO, to appear on behalf of Respondent. In the alternative, Respondent requests that the Commission waive the 10-day notice requirement due to exigent circumstances and continue the December 14, 2021 hearing for at least 30 days to allow Respondent to search for and acquire separate counsel, and/or to allow current counsel enough post-surgery recovery time to determine whether the spinal cord stimulator implant is working well enough to allow counsel to continue to represent Respondent in the litigation setting of this scheduled hearing.

10. Counsel for Respondent has this day notified counsel for Petitioner and counsel for the Public Staff of his recent medical challenges and limitations. By this filing, counsel is notifying counsel for the Commission as well.

11. In addition to the medical challenges of counsel as described above, Respondent's expert engineer witness William Forman recently experienced an acute medical event and remains significantly

limited in his ability to work, especially in high stress situations.

Based on the above, counsel for Respondent HISCO requests that the Commission issue an order continuing the scheduled December 14, 2021 hearing or, in the alternative allow Michael Laws to represent Respondent HISCO at the December 14, 2021 hearing.

This the 7th day of December, 2021.

Electronically submitted

/s/ I. Clark Wright, Jr., NCSB #11163

N.C. Bar No. 11163

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Attorneys for Respondent HISCO

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION TO CONTINUE HEARING on the parties of record by electronic mail addressed as follows:

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This the 7th day of December, 2021.

Electronically submitted

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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

MRT-1, LLC,)	
)	
Complainant,)	
)	ORDER CONTINUING HEARING
v.)	
)	
HARKERS ISLAND SEWER COMPANY,)	
)	
Respondent.)	

BY THE COMMISSION: On December 7, 2021 Respondent Harkers Island Sewer Company (“HISCO”), through counsel, filed an emergency motion seeking to continue the currently scheduled December 14, 2021 hearing in this matter.

The Commission has reviewed the record, including HISCO’s Motion, and takes notice of the fact that Respondent’s counsel is dealing with serious medical issues, and now finds that good cause exists to grant the requested continuance of the currently scheduled hearing for a period of no less than 45 days. The Commission will reschedule the hearing in this matter for a date and time that provides adequate time to the parties to prepare for same. The Commission further finds good cause to serve this Order on the parties by electronic mail, delivery confirmation requested.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the _____ day of December, 2021.

_____, Deputy Clerk