



REGION 9

SAN FRANCISCO, CA 94105

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| In the Matter of: |) | |
| |) | |
| NSHE HI Narcissus, LLC, |) | |
| Kahuku, Hawaii, |) | Docket No. UIC-09-2022-0058 |
| |) | |
| Respondent. |) | |

FOURTH PREHEARING ORDER

On August 20, 2024, the Region 9 Regional Hearing Clerk informed me she received an email from Respondent's counsel giving notice of their intent to withdraw as Respondent's representative in this proceeding and requesting a ten-day extension for Respondent to file its motions in limine given the current developments. Later in the day, Respondent's counsel filed a formal Notice of Withdrawal of Counsel and entered Duke Pontin's appearance as an officer of NSHE HI Narcissus, LLC and NSHE HI Narcissus, LLC's representative in this proceeding. The Notice stated Respondent consents to the law firm's withdrawal. I approve Charles Gall, Timothy Silvester, and Daniel Jacob's withdrawal as Respondent's counsel in this proceeding. I also approve Duke Pontin's appearance as NSHE HI Narcissus, LLC's representative in this

proceeding. Lastly, I find good cause to extend the prehearing filing and conference dates as follows:

MOTION IN LIMINE

Respondent must file its motions in limine with the Region 9 Regional Hearing Clerk, at r9hearingclerk@epa.gov, by **Tuesday, September 3, 2024**.

PREHEARING CONFERENCE

A prehearing conference is scheduled for **Tuesday, September 17, 2024, at 1:00 p.m. (PDT) / 10:00 a.m. (HST)**. I will provide the parties my rulings on the motions in limine and discuss other evidentiary issues regarding witnesses and hearing exhibits.

HEARING

Because Mr. Gall's scheduling conflicts are no longer relevant, the penalty hearing is now scheduled for **Tuesday, October 8, 2024, at 1:00 p.m. (PDT) / 10:00 a.m. (HST)** and **Wednesday, October 9, 2024, at 1:00 p.m. (PDT) / 10:00 a.m. (HST)**. The hearing will be conducted as a video conference. Region 9's Regional Hearing Clerk shall provide the parties with instruction on how to access the video conference.

**STEVEN
JAWGIEL**

Digitally signed by
STEVEN JAWGIEL
Date: 2024.08.21
10:07:07 -07'00'

Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA, Region IX

CERTIFICATE OF SERVICE

This is to certify a true and correct copy of the Fourth Prehearing Order in In the Matter of NSHE HI Narcissus, LLC (UIC-09-2022-0058) was sent to the following parties via electronic mail, as indicated below:

COMPLAINANT'S REPRESENTATIVE:

Kimberly Y. Wells
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
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Email: wells.kimberly@epa.gov

RESPONDENT'S FORMER REPRESENTATIVE:

Charles W. Gall
Kobayashi Sugita & Goda, LLP
First Hawaiian Center
999 Bishop Street, Suite 2600
Honolulu, Hawaii 96813
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RESPONDENT'S REPRESENTATIVE:

Duke Pontin
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Kahuku, Hawaii 96731
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Ponly Tu
Regional Hearing Clerk
Office of Regional Counsel, Region 9