

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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IN THE MATTER OF )

Thomas Waterer & Waterkist Corp., )  
d/b/a Nautilus Foods, )

Respondent )

) Docket No. CWA 10-2003-0007

ORDER TO SHOW CAUSE

The Court issued its Prehearing Order in this matter on May 19, 2003. That Order required, among other items, that the parties make their initial prehearing exchange by Monday, July 21, 2003. A copy of the Prehearing Order is included with this Order to Show Cause. Complainant, EPA, timely filed its prehearing exchange. However, to date, apparently the Respondent has not filed its exchange.

On August 5, 2003 EPA filed a Motion for Default for the Respondent's failure to submit its prehearing exchange. The procedural rules, (40 C.F.R. Part 22), which govern this proceeding, provide that, pursuant to 40 C.F.R. § 22.19(g)(3), where a party fails to provide the exchange information, the Court may issue a default order.

Accordingly, the Respondent is ordered to show good cause demonstrating why a default order should not be issued against it. Such response is to be filed by August 22, 2003 in accordance with the procedural rules and the Respondent is also directed to submit any response to the Court via facsimile to (202) 565-0044. Absent such a showing, the Court intends to issue a default order against the Respondent.

**SO ORDERED.**

William B. Moran  
William B. Moran  
United States Administrative Law Judge

Dated: August 15, 2003  
Washington, D.C.

In the Matter of Thomas Waterer & Waterkist Corp., d/b/a Nautilus Foods, Respondent  
Docket No. CWA-10-2003-0007

CERTIFICATE OF SERVICE

I hereby certify that the following **Order to Show Cause**, dated August 15, 2003, was sent in the following manner to the addressees listed below.



Nelida Torres  
Legal Staff Assistant

Dated: August 15, 2003

Original and One Copy by Pouch Mail to:

Carol Kennedy  
Regional Hearing Clerk  
U.S. EPA  
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Seattle, WA 98101

Copy by Pouch Mail to:

Mark A. Ryan, Esq.  
Assistant Regional Counsel  
U.S. EPA Region X  
Idaho Operations Office  
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Copy by Facsimile, Certified and Regular Mail to:

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