



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

07 JAN -4 AM 10:30

BEFORE THE ADMINISTRATOR

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)

ELDON C. STUTSMAN, INC.,)

DOCKET NO. FIFRA-07-2006-0210

RESPONDENT)

ORDER TO SHOW CAUSE

The file before me reflects that Respondent has failed to file either its prehearing exchange or a statement of election only to conduct cross-examination of Complainant's witnesses as its manner of defense on or before December 7, 2006, as required by the Administrative Law Judge's Prehearing Order dated September 21, 2006, and that Respondent has not filed a motion for an extension of the filing deadline. Complainant timely filed its prehearing exchange.

Under Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with a prehearing order of the Administrative Law Judge. Therefore, Respondent is ordered to show cause, if any, on or before **January 19, 2007**, why Respondent failed to meet the December 7, 2006 filing deadline and why a default order should not be entered for failing to meet this deadline.

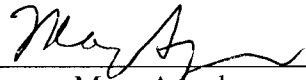
Barbara A. Gunning
Administrative Law Judge

Dated: January 3, 2007
Washington, DC

**In the Matter of *Eldon C. Stutsman, Inc.*, Respondent.
Docket No. FIFRA-07-2006-0210**

CERTIFICATE OF SERVICE

I certify that the foregoing **Order to Show Cause**, dated January 3, 2007, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Kathy Robinson
Regional Hearing Clerk
U.S. EPA, Region VII
901 North 5th Street
Kansas City, KS 66101

Copy by Pouch Mail to:

Rupert G. Thomas, Esq.
Assistant Regional Counsel
U.S. EPA, Region VII
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Copy by Regular Mail to:

Steve Meyerholz
Agronomy Manager
Eldon C. Stutsman, Inc.
P.O. Box 250
Hills, IA 52235

**Dated: January 3, 2007
Washington, D.C.**