

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)

Melvin Petersheim and)
Moses Petersheim,)

Respondents.)

Docket No. CWA-03-2010-0371

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**ORDER ON COMPLAINANT'S MOTION FOR A STAY
OF THE PROCEEDINGS**

By Order dated March 2, 2011, Respondents were directed to file on or before May 18, 2011, either prehearing exchanges or statements electing only to conduct cross-examination of Complainant's witnesses as their manner of defense. To date, Respondents have failed to comply with the Order of March 2, 2011. Accordingly, on May 25, 2011, Respondents were ordered to show cause, if any, on or before June 10, 2011, as to why they had failed to comply and why a default order should not be entered against them. To date, Respondents have also failed to comply with the Order of May 25, 2011.

Complainant subsequently filed a letter notifying Respondents of its intention to file a Motion for Default Judgment against Respondents for their failure to comply with the Orders of March 2, 2011, and May 25, 2011. However, on August 2, 2011, Complainant filed a Status Report, in which Complainant represented that the parties had successfully negotiated a settlement agreement in this matter and that Complainant was currently drafting a Consent Agreement and Final Order ("CAFO") to memorialize their agreement. Complainant further stated that it intended to prepare a motion requesting a stay of any outstanding requirements set forth in the Order of March 2, 2011, to allow the parties an opportunity to execute the CAFO.

Complainant filed its Motion for a Stay of the Proceedings on August 25, 2011. Complainant represents that a copy of the draft CAFO has been submitted to Respondents for their review and that Complainant anticipates that the parties will execute the CAFO within 30 days. Complainant further represents that Respondents support the Motion.

Upon consideration, Complainant's Motion for a Stay of the Proceedings is hereby **GRANTED**. Thirty days is a reasonable period of time for the parties to execute a CAFO in this matter. Accordingly, the parties are **ORDERED** to file a fully executed CAFO no later than **September 26, 2011, with a copy contemporaneously sent to the undersigned by facsimile or mail.**

**FAILURE TO FILE THE CAFO IN A TIMELY MANNER MAY RESULT IN
ENTRY OF AN ORDER OF DISMISSAL OR DEFAULT, AS APPROPRIATE,
WITHOUT FURTHER NOTICE.**

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: August 31, 2011
Washington, DC

In the Matter of Melvin Petersheim and Moses Petersheim, Respondents
Docket No. CWA-03-2010-0371

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Motion For A Stay Of The Proceedings**, dated August 31, 2011, was sent this day in the following manner to the addressees listed below:



Maria Whiting Beale
Staff Assistant

Dated: August 31, 2011

Original And One Copy By Pouch Mail To:

Lydia A. Guy
Regional Hearing Clerk (3RC00)
U.S. EPA
1650 Arch Street
Philadelphia, PA 19103-2029

Copy By Pouch Mail To:

Andrew Duchovnay, Esquire
Assistant Regional Counsel (3RC20)
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