



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of:)
Joseph Oh)
and) Docket No. RCRA-10-2011-0164
Holly Investment, LLC) Issued: April 18, 2012
Respondents.)

ORDER RESCHEDULING HEARING AND PREHEARING DEADLINES

A Hearing Order was issued on March 13, 2012, directing that the hearing in this matter would begin on June 26, 2012, and setting forth a series of deadlines for prehearing submissions. On March 19, 2012, Complainant filed a Motion to Amend Order Scheduling Hearing because one of its witnesses would not be available to testify during the week of June 26. Complainant provided a list of dates when its witnesses would be available. Complainant also stated that Respondents had indicated they did not object to the proposed dates or to the Motion. For good cause shown, Complainant's Motion is GRANTED. 40 C.F.R. § 22.21(c). The dates set forth in the Hearing Order issued on March 13, 2012, are amended as set forth below.

Agency policy strongly supports settlement. Complainant shall file a status report regarding the status of settlement, without disclosing any specific terms of settlement, on or before May, 18, 2012. Complainant shall file as second status report regarding settlement on June 15, 2012. If the parties fail to reach a settlement, they shall strictly comply with the requirements of this Order and prepare for a hearing

All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before June 29, 2012. This deadline does not apply to motions to supplement the prehearing exchange.

On or before July 20, 2012, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after a hearing.

The parties are reminded that any document or exhibit not included in the prehearing exchanges shall not be admitted into evidence, and any witness whose name and testimony summary are not included in the prehearing exchange shall not be allowed to testify at hearing. If a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, it must file a motion to supplement the prehearing exchange no later than **July 30, 2012**. Motions filed after this date will not be considered absent good cause. *See* 40 C.F.R. § 22.22(a)(1).

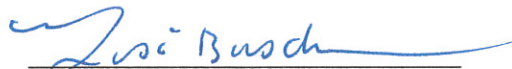
The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is **August 3, 2012**. A copy of each brief must be faxed, e-mailed, and/or hand-delivered to the undersigned by that date. Complainant's brief should specifically state each count of the Complaint, and each claim therein, that are to be tried at the hearing, and indicate which counts/claims are not. Respondents' brief should at minimum identify and explain each of the defenses Respondents intend to pursue at the hearing.

The hearing in this matter will commence promptly at 9:30 a.m. on Tuesday, August 14, 2012, in Seattle, Washington, and will continue if necessary on August 15–17, 2012. The Regional Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk as soon as possible so that appropriate arrangements can be made.

RESPONDENTS ARE HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST THEM. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING MAY RESULT IN DISMISSAL OF THIS MATTER.

If either party does not intend to attend the hearing, or has good cause for not being able to attend the hearing as scheduled, it shall notify the undersigned at the earliest possible moment.



M. Lisa Buschmann
Administrative Law Judge

**In the Matter of Joseph Oh and Holly Investment, LLC, Respondents.
Docket No. RCRA-10-2011-0164**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order Rescheduling Hearing and Prehearing Deadlines**, issued by M. Lisa Buschmann, Administrative Law Judge, in Docket No. RCRA-10-2011-0164, were sent to the following parties on this 18th day of April 2012, in the manner indicated:



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Legal Staff Assistant

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**Dated: April 18, 2012
Washington, DC**