



REGION 9
SAN FRANCISCO, CA 94105



In the Matter of:

NSHE HI Narcissus, LLC,
Kahuku, Hawaii,

Respondent.

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Docket No. UIC-09-2022-0058

FIFTH PREHEARING ORDER

Pursuant to the Fourth Prehearing Order in this matter, the prehearing conference is scheduled for Tuesday, September 17, 2024. Similarly, the hearing in this matter is scheduled for October 8-9, 2024. On September 3, 2024, Complainant filed and served a motion for postponement of the hearing dates, sighting litigation scheduling conflicts and witness availability issues as the basis of its request. On September 3, 2024, Respondent also filed and served a Motion to Dismiss, requesting the Presiding Officer to dismiss this matter based on a recent U.S. Supreme Court decision.

HEARING

Based on Complainant's scheduling conflicts and witness availability issues, in addition to the pending motion to dismiss, I find good cause exists to reset the hearing dates to

Wednesday, November 6, 2024, at 1:00 p.m. (PDT) / 10:00 a.m. (HST) and Thursday, November 7, 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.

PREHEARING CONFERENCE and MOTION BRIEFING SCHEDULE

Pursuant to 40 C.F.R. § 22.16(b), Complainant will have until **September 18, 2024**, to file and serve its opposition to Respondent's Motion to Dismiss. Respondent will have until **September 30, 2024** to file and serve a reply to Complainant's opposition brief.

Given the pending Motion to Dismiss, it will not be efficient to conduct a prehearing conference until I have an opportunity to issue a ruling on this motion. Therefore, the prehearing conference will be moved to **Thursday, October 10, 2024, at 1:00 p.m. (PDT) / 10:00 a.m. (HST)**. Depending on the outcome of the Motion to Dismiss, I will provide the parties my rulings on the motions in limine and discuss other evidentiary issues regarding witnesses and hearing exhibits during the prehearing conference.

**STEVEN
JAWGIEL**

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JAWGIEL

Date: 2024.09.10 13:11:05
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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:

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