



first discovery request, the Rules of Practice limit discovery to that which: (1) will not unreasonably delay the proceeding; (2) will procure information otherwise unobtainable; and (3) will procure information of significant probative value. 40 C.F.R. § 22.19(f). All three of these requirements are met by Complainant's Motion for Further Discovery.

First, the granting of a 60 day stay and the rescheduling of the Hearing will afford Respondent ample time to prepare a response. Second, given the apparently labyrinthine structure of Respondent's finances, particularly in regard to its relationships with various subsidiaries and affiliates, Complainant has no alternate avenue of determining Respondent's complete financial health. Third, the significant penalty proposed in this proceeding, along with the aforementioned complexity of Respondent's finances, indicate that the requested information will have significant probative value. Therefore, inasmuch as Complainant's request meets the criteria of the Rules of Practice regarding discovery, the Motion For Permission To Conduct Further Discovery will be granted.

#### Joint Motion to Stay Proceeding

In the Joint Motion to Stay Proceedings, both parties request a stay of 60 days from the filing date of the Motion in order for Respondent to investigate the contamination of its facility and to begin remediation activities. The Motion contends that the United States has initiated judicial proceedings concerning Respondent's facilities and that the public interest would best be served by allowing Respondent to expend its resources on remediation rather than litigation.

The Joint Motion to Stay Proceedings is granted. This proceeding will be stayed from February 6, 1998, the date of the filing of the motion, until April 7, 1998. The parties are Ordered to submit a joint status report at the end of the 60 day period, detailing the remediation activities that were initiated during the period and indicating the status of settlement discussions. In order to accommodate the period during which Respondent will address remediation concerns at the facility, the hearing is rescheduled for **May 5-7, 1998.**

#### ORDER

Accordingly, it is ORDERED:

- 1) Complainant's Motion to Amend Prehearing Exchange is **GRANTED.**
- 2) Complainant's Motion For Permission To Conduct Further Discovery is **GRANTED.**
- 3) The parties' Joint Motion To Stay Proceedings for sixty (60) days is **GRANTED.**
- 4) The Hearing is rescheduled for **May 5-7, 1998.**
- 5) The parties shall file a joint status report by April 7, 1998, regarding remediation and settlement.

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Susan L. Biro  
Chief Administrative Law Judge

Dated: \_\_\_\_\_  
Washington, D.C.

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