



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

2015 FEB 18 11:4:22

In the Matter of: )  
 )  
Frank Ousley, )  
d/b/a Frank's Flying Service, )  
 )  
Respondent. )

Docket No. FIFRA-05-2014-0022

**ORDER GRANTING COMPLAINANT'S MOTION TO POSTPONE HEARING  
AND ASSOCIATED FILING DEADLINES**

On January 30, 2015, I issued a Notice of Hearing and Scheduling Order ("Scheduling Order") that established a number of prehearing deadlines and scheduled the hearing in this matter to commence on March 18, 2015. Pursuant to the Scheduling Order, Complainant filed a Status Report on February 6, 2015. Therein, Complainant stated that the parties had agreed to a settlement-in-principle and that Complainant would move to postpone the hearing once Respondent had signed and dated a Consent Agreement and Final Order ("CAFO") resolving this matter. On February 17, 2015, Complainant filed a Motion to Postpone Hearing and Associated Filing Deadlines ("Motion"), to which Complainant attached a copy of the parties' CAFO that had been signed and dated by Respondent. Complainant requests in the Motion that the hearing date and associated filing deadlines be postponed for 30 days because Complainant "requires approximately 30 calendar days to sign and date the CAFO and file it with the Regional Hearing Clerk." Complainant represents that Respondent does not object to the Motion.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits set forth at 40 C.F.R. part 22 ("Rules of Practice"). Section 22.7(b) of the Rules of Practice authorizes the undersigned to grant extensions of time for filing any document "upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b). Section 22.21(c), in turn, provides that "[n]o request for postponement of a hearing shall be granted except upon motion and for good cause shown." 40 C.F.R. § 22.21(c).

Upon consideration, I find that Complainant has shown good cause for postponing the hearing date and associated filing deadlines and that 30 days is a reasonable amount of time for Complainant to execute and file the CAFO. Accordingly, the Motion is hereby **GRANTED**, and the deadlines and hearing date set by the Scheduling Order are postponed for 30 days as

requested. Upon filing the fully-executed CAFO with the Regional Hearing Clerk, Complainant shall also submit a copy to the undersigned.

**SO ORDERED.**



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Christine D. Coughlin  
Administrative Law Judge

Dated: February 18, 2015  
Washington, D.C.

In the Matter of *Frank Ousley, d/b/a Frank's Flying Service*, Respondent.  
Docket No. FIFRA-05-2014-0022

Certificate of Service

I hereby certify that the foregoing Order Granting Complainant's Motion to Postpone Hearing and Associated Filing Deadlines, dated February 18, 2015, was sent this day in the following manner to the addresses listed below.



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Mary Angeles  
Lead Legal Assistant

Original and One Copy by Hand Delivery to:

Sybil Anderson  
HQ Hearing Clerk  
U.S. EPA/Office of Administrative Law Judges  
Mail Code 1900R  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

One Copy by Electronic and Regular Mail to:

Jeffery Trevino, Esq.  
Associate Enforcement Counsel  
U.S. EPA / Region V, C14-J  
77 West Jackson Blvd.  
Chicago, IL 60604-3590  
Email: Trevino.jeffery@epa.gov

Thomas W. Daggett, Esq.  
Daggett Law Firm  
1551 Larimer Street, #1403  
Denver, CO 80202  
Email: twdaggett@comcast.net

Dated: February 18, 2015  
Washington, D.C.