



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Tony L. Brown and Joshua A. Brown) **Docket No. CWA-07-2016-0053**
d/b/a/ Riverview Cattle,)
)
Respondents.)

**ORDER ON COMPLAINANT’S MOTION TO
SUPPLEMENT PREHEARING EXCHANGES**

On November 14, 2016, I issued a Prehearing Order in this matter, establishing prehearing filing deadlines and directing the parties to file and serve prehearing exchanges.¹ In addition to setting filing deadlines for the parties’ prehearing exchanges, the Prehearing Order provides that supplements to a prehearing exchange submitted pursuant to 40 C.F.R. 22.19(f) must be filed with an accompanying motion to supplement the prehearing exchange only when supplementation is sought within 60 days of the scheduled hearing. By order dated April 10, 2018, I initially scheduled the hearing in this matter to commence on June 18, 2018.

On June 1, 2018, Complainant filed a Motion to Supplement Prehearing Exchanges (“Motion to Supplement”),² along with additional proposed exhibits. In the Motion to Supplement, Complainant requests leave to supplement its prehearing exchange with the proposed exhibits contemporaneously filed. While noting that its request comes less than 60 days prior to the scheduled commencement of the hearing, Complainant asserts that the additional proposed exhibits with which it seeks to supplement its prehearing exchange were provided by Respondents or are otherwise familiar to Respondents. As a result, Complainant argues that the requested supplementation would not prejudice Respondents, and therefore, the requested leave should be granted.

Following Complainant filing its Motion to Supplement, by order dated June 5, 2018, I postponed the hearing scheduled to commence on June 18, 2018, upon motion demonstrating good cause. I further directed the parties to identify a jointly agreed upon period of at least one week between September 2018 and December 2018 to conduct the hearing in this matter. Given

¹ The filing deadlines for the prehearing exchanges established by the Prehearing Order were extended by subsequent orders upon the request of the parties.

² Complainant’s Motion to Supplement was specifically titled “Complainant’s Motion to Supplement Prehearing Hearing Exchanges,” however the inclusion of the word “Hearing” within the title appears to be inadvertent.

these advancements, the supplementation for which Complainant seeks leave in its Motion to Supplement is no longer within 60 days of a scheduled hearing, and therefore, does not require leave granted upon motion pursuant to the Prehearing Order. As a result, it is appropriate to grant Complainant's Motion to Supplement under these circumstances. Accordingly, Complainant's Motion to Supplement is hereby **GRANTED**.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Date: June 8, 2018
Washington, D.C.

In the Matter of *Tony L. Brown and Joshua A. Brown, d/b/a Riverview Cattle*, Respondents.
Docket No. CWA-07-2016-0053

Certificate of Service

I hereby certify that copies of the foregoing Order on Complainant's Motion to Supplement Prehearing Exchanges, dated and issued by Administrative Law Judge Christine Donelian Coughlin on June 8, 2018, were sent this day to the following parties in the manner indicated below.



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Original and One Copy by Hand Delivery to:

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Dated: June 8, 2018
Washington, D.C.