



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
 DUVALL DEVELOPMENT CO., INC.,)
 JEFFREY H. DUVALL,) DOCKET NO. CWA-04-2010-5505
 DUVALL & SON LIVESTOCK, INC.,)
 AND LOUIS STEVE DUVALL, SR.)
)
 RESPONDENTS)

ORDER ON JOINT MOTION FOR CONTINUANCE

On May 25, 2011, Complainant filed the Amended Administrative Complaint in this matter, which added two parties to this action: Respondent Duvall & Son Livestock, Inc., and Respondent Louis Steve Duvall, Sr. ("Steve Duvall"). On June 27, 2011, the undersigned issued an Amended Prehearing Order ("Amended PHO"), reminding the parties that the hearing remained scheduled to commence on August 23, 2011. The undersigned instructed the parties to file Supplemental Prehearing Exchanges ("PHE") in accordance with the timeline set forth in the Amended PHO. Complainant filed its Supplemental PHE on July 11, 2011.

On July 19, 2011, the parties submitted a Joint Motion for Continuance ("Motion") due to the death of Respondent Steve Duvall on July 13, 2011. The parties indicate that they are close to settlement, but request postponement of the hearing and intervening deadlines to allow for the exigencies of Respondent Steve Duvall's passing and additional time to conclude settlement negotiations.

The undersigned acknowledges the difficulty that can result from such unexpected events and will allow the parties additional time to conclude negotiations and submit a Consent Agreement and Final Order ("CAFO"). The parties are nevertheless reminded that this case has been pending for over a year, with two postponements of the hearing date, and it cannot bear additional significant delay.

For good cause shown, the Motion for Continuance is **GRANTED**. The hearing date is hereby **POSTPONED**. The Regional Hearing Clerk shall cancel the pending arrangements. Subsequent deadlines in the Amended PHO are **SUSPENDED** for six (6) weeks. The parties shall submit a joint status report on or before **September 1, 2011**. If no CAFO has been filed, Respondent's Supplemental PHE shall be due on

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or before **September 16, 2011**. At that time, the hearing date will be reset.

The information or documents required by this Order to be sent to the Presiding Judge, as well as any other further filings, shall be addressed as follows:

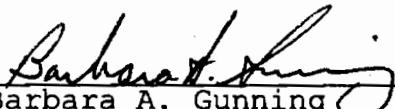
If filing by United State Postal Service (USPS):

EPA Office of Administrative Law Judges
1200 Pennsylvania Ave. NW
Mail Code 1900L
Washington, DC 20460

If sending by non-USPS couriers:

EPA Office of Administrative Law Judges
1099 14th St. NW
Suite 350, Franklin Court
Washington, DC 20005

Telephone contact may be made with my legal staff assistant, Mary Angeles, at (202) 564-6281. The facsimile number is (202) 565-0044.


Barbara A. Gunning
Administrative Law Judge

Dated: July 20, 2011
Washington, D.C.

In the Matter of *Jeffrey H. Duvall, Duvall Development Co., Inc., Louis Steve Duvall, Sr., and Duvall & Son Livestock, Inc.*, Docket No. CWA-04-2010-5505

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing **Order on Joint Motion for Continuance**, dated July 20, 2011, issued by Barbara Gunning, Administrative Law Judge, were sent this 20th day of July 2011, in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA / Region 4
Sam Nunn Federal Center - 13th Flr.
61 Forsyth Street
Atlanta, GA 30303
Fx: 404.562.9487

One Copy by Facsimile and Pouch Mail to:

Robert W. Caplan, Esq.
Sr. Attorney
ORC, U.S. EPA, Region 4
Sam Nunn Federal Center - 13th Flr.
61 Forsyth Street
Atlanta, GA 30303
Fx: 404.562.9486

One Copy by Facsimile and Regular Mail to:

Edwin Schwartz, Esq.
Sweetnam & Schwartz, LLC
Suite 1700
Three Ravinia Drive, Suite 1700
Atlanta, GA 30346
Fx: 770.234.6779

L. Allyn Stockton, Jr., Esq.
Stockton & Stockton
P.O. Box 1550
Clayton, GA 30525
Fx: 706.782.1955

Dated: July 20, 2011
Washington, DC

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
Jeffrey H. Duvall, Duvall Development)
Co., Inc., Louis Steve Duvall, Sr. and)
Duvall & Son Livestock, Inc.,)
)
Respondents.)
_____)

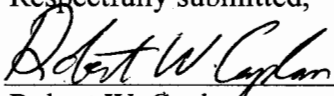
DOCKET NO: CWA-04-2010-5505

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2011 JUL 19 PM 3:11
HEARING ROOM

JOINT MOTION FOR CONTINUANCE

COMES NOW counsel for the parties in the above-styled case and hereby file this Joint Motion for Continuance. This Motion is being filed as a result of the death of Respondent Louis Steve Duvall on July 13, 2011. The parties request that the due dates for Respondents to file their Prehearing Exchanges (July 29, 2011) and for Complainant to file its rebuttal (August 8, 2011) be continued and that the trial date scheduled for August 23, 2011, be postponed and potentially rescheduled for a later date. The parties are actively engaged in settlement talks and are optimistic that a settlement can be reached soon. Therefore, the parties request that the Court allow them to file periodic status reports over the next 6 weeks regarding their progress in reaching settlement, and that the Court leave open-ended any revised dates for submittal of the Prehearing Exchanges and for rescheduling of the trial date, pending the outcome of settlement talks during the remainder of this summer. Counsel for Respondents have authorized the undersigned counsel for Complainant to file this Joint Motion on behalf of all the parties.

Date: July 19, 2011

Respectfully submitted,

Robert W. Caplan
Counsel for Complainant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing Joint Motion for Continuance in the Matter of: Duvall Development Co., Inc., Jeffrey H. Duvall, Duvall & Son Livestock, Inc., and Louis Steve Duvall, Sr., **Docket No. CWA-04-2010-5505**, was filed on July 19, 2011, with the Region 4 Regional Hearing Clerk, and that on July 19, 2011, I have served a true and correct copy of the same on Judge Barbara Gunning and the attorneys for the parties listed below in the manner indicated:


Judge Barbara A. Gunning (Via pouch mail)
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Robert Caplan (Via EPA's Internal Mail)
Senior Attorney
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Edwin Schwartz, Esq. (Via Certified Mail, Return Receipt Requested)
Sweetnam & Schwartz, LLC
Three Ravina Drive
Suite 1700
Atlanta, Georgia 30346

C. Allyn Stockton, Jr., Esq. (Via Certified Mail, Return Receipt Requested)
Stockton & Stockton
P.O. Box 1550
Clayton, Georgia 30525

Dated: July 19, 2011


Saundi Wilson, Paralegal Specialist
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4

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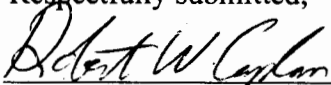
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JUL 19 2011

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Dated: July 19, 2011



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