



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
THE LAUREN GROUP, LLC,) DOCKET NO. CWA-06-2010-1772
)
RESPONDENT)

ORDER ON MOTION FOR LEAVE TO FILE PREHEARING EXCHANGE OUT OF TIME

As you previously have been notified, this proceeding arises under the authority of Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act ("CWA"), as amended, 33 U.S.C. § 1319(g), and is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Rules of Practice"), 40 C.F.R. §§ 22.1-22.32. On August 10, 2011, the undersigned issued a Prehearing Order that directed the parties to file their prehearing exchange information according to the following schedule:

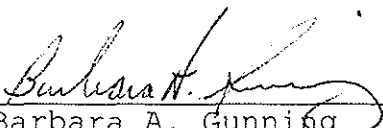
- September 28, 2011 - Complainant's Initial Prehearing Exchange
- October 26, 2011 - Respondent's Prehearing Exchange, including any direct and/or rebuttal evidence
- November 9, 2011 - Complainant's Rebuttal Prehearing Exchange (if necessary)

Complainant timely filed its Initial Prehearing Exchange. However, as of November 16, 2011, no prehearing exchange information had been received from Respondent. The undersigned then issued an Order directing Respondent to show cause why it failed to meet the filing deadline set by the Prehearing Order of August 10, 2011, and why a default order should not be entered against it for failure to meet this deadline.

On December 1, 2011, Respondent submitted a Response to the Order to Show Cause ("Response"), a Motion for Leave to File

Prehearing Exchange Out of Time ("Motion"), Respondent's Prehearing Exchange, and Exhibit Book. In its Response, Respondent's counsel takes responsibility for the missed deadline, stating that the undersigned's Prehearing Order was misfiled with an unrelated case following an inadvertent coffee spill that affected multiple files. Respondent's counsel further states that following the receipt of the Order to Show Cause he began preparing Respondent's prehearing exchange. In the Response, counsel also acknowledges that he received Complainant's Initial Prehearing Exchange but due to "over-reliance on an electronic calendar," the reminder to file Respondent's Prehearing Exchange "did not endure" through the deadline. Response at 2. Respondent argues that default would cause considerable prejudice whereas granting the Motion would not prejudice Complainant or the adjudication process given that no hearing date has been set. *Id.*

In its Motion, Respondent asserts that most of the proposed exhibits in its Prehearing Exchange have already been shared with Complainant and the bulk of the remainder come from public sources, therefore minimizing any potential surprise to Complainant. Counsel for Complainant has indicated to the undersigned's staff attorney that no opposition to the Response or Motion will be filed. Therefore, the Response and Motion are deemed to be unopposed. For good cause shown, the Response is accepted and the Motion is **GRANTED**. If Complainant chooses to file a Rebuttal Prehearing Exchange, it must be received on or before **December 30, 2011**.




Barbara A. Gunning
Administrative Law Judge

Dated: December 14, 2011
Washington, D.C.

**In the Matter of *The Lauren Group, LLC*, Respondent.
Docket No. CWA-06-2010-1772**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order on Motion for Leave to File Prehearing Exchange Out of Time**, issued by Barbara A. Gunning, Administrative Law Judge, in Docket No. CWA-06-2010-1772, dated December 14, 2011, were sent to the following parties on this 14th day of December 2011, in the manner indicated:



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Lorena Vaughn, Esq.
Regional Hearing Clerk
U.S. EPA, Region VI
1445 Ross Avenue
Dallas, TX 75202-2733
Fx: 214.665.3177

Copy by Facsimile and Pouch Mail to:

Efren Ordoñez, Esq.
U.S. EPA, Region VI
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Dallas, TX 75202-2733
Fx: 214.665.3177

Copy by Facsimile and Regular Mail to:

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1100 Poydras Street, Ste. 2900
New Orleans, LA 70163
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**Dated: December 14, 2011
Washington, DC**