

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of

Coleman Trucking, Inc.,

Docket No. 5-CAA-96-005

Respondent

ORDER DENYING COMPLAINANT'S MOTION FOR STAY OF DEPOSITION DISCOVERY

The U.S. Environmental Protection Agency ("EPA") has filed a motion to stay deposition discovery in this case. In effect, EPA seeks a stay of proceedings pending resolution of the Agency's Motion for Certification of Interlocutory Review of a discovery order. For the reasons set forth below, EPA's motion to stay deposition discovery is *Denied*.

First, EPA's motion to stay is denied because the underlying motion seeking interlocutory review was filed out of time.¹ Second, even if EPA's motion for certification of interlocutory review were timely filed, it is this court's view that the issues raised are not review-worthy. Third, EPA may obtain adequate review of the challenged discovery order after a decision is issued in this case. Finally, requiring EPA under the facts of this case to attend 8 hours of depositions (if it chooses even to attend) is not burdensome.

For these reasons, a stay of deposition discovery is not warranted and EPA's motion in that regard is denied.²

Carl C. Charneski

Administrative Law Judge

Issued: April 3, 1997

Washington, D.C.

¹ An order was issued this date denying EPA's motion for certification of interlocutory review.

² The court, however, will entertain an appropriate motion seeking to change the date by which the depositions are to be completed.

IN THE MATTER OF COLEMAN TRUCKING, INC., Respondent

Docket No. 5-CAA-96-005

Certificate of Service

I certify that the foregoing Order Denying Complainant's Motion for Stay of Deposition Discovery, dated April 3 1997, was sent this day in the following manner to the below addressees.

Original by Regular Mail to: Ms. Sonya Brooks

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Dated: April 3, 1997