



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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

**NOTICE OF HEARING AND SCHEDULING ORDER**

A Prehearing Order was issued in this matter on September 24, 2014. Complainant subsequently filed its Initial Prehearing Exchange on November 4, 2014, and Respondent filed his Prehearing Exchange on December 5, 2014. No motions are currently pending. Therefore, this matter is ready to be scheduled for hearing.

In its Initial Prehearing Exchange, Complainant estimates that it will require approximately two hours to present its direct case at hearing. As for the location of the hearing, Complainant asserts that it does not object to Whiteside County, Illinois, the county where Respondent resides and conducts the business at issue in this proceeding, or Carroll County, Illinois, another county where Respondent conducts business. In his Prehearing Exchange, Respondent urges the hearing to be held in Whiteside County, "where most of the subject activity occurred and near where most of the prospective witnesses reside." While Respondent did not estimate in his Prehearing Exchange the amount of time needed to present his direct case, counsel for Respondent subsequently informed a staff attorney of the undersigned by email that the presentation of Respondent's case could take up to two days.

Complainant shall file a Status Report as to the status of any settlement negotiations between the parties, which shall not include any specific terms of settlement, on or before **February 6, 2015**.

All non-dispositive prehearing motions, such as motions for subpoenas, motions to supplement a prehearing exchange, and motions in limine, shall be filed on or before **February 20, 2015**.

On or before **February 27, 2015**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate as much as possible to matters that cannot reasonably

be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after a hearing.

The parties may, if they wish, file prehearing briefs on or before **February 27, 2015**. If filed, Complainant's brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondent's brief should identify each of the defenses Respondent intends to pursue at the hearing.

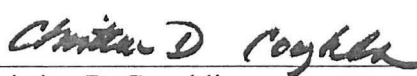
The hearing in this matter shall begin promptly at 9:00 a.m. on **Wednesday, March 18, 2015**, and shall continue if necessary through March 20, 2015, at the following location:

**Whiteside County Courthouse  
200 East Knox Street  
Morrison, IL 61270**

Individuals requiring special accommodations at the hearing, including wheelchair access and translation services, shall contact the Headquarters Hearing Clerk, Sybil Anderson, at (202) 564-6261, no later than **February 20, 2015**, so that appropriate arrangements can be made. A staff attorney for the undersigned, Jennifer Almase, can be contacted should you have any procedural questions or questions about what to expect at the hearing, at (202) 564-1170 or [almase.jennifer@epa.gov](mailto:almase.jennifer@epa.gov).

**RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN THE ENTRANCE OF DEFAULT JUDGMENT AGAINST IT.**

**IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING, OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.**



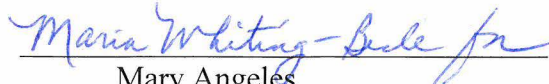
Christine D. Coughlin  
Administrative Law Judge

Date: January 30, 2015  
Washington, D.C.

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Hearing And Scheduling Order**, dated January 30, 2015, was sent this day in the following manner to the addressees listed below.

  
Mary Angeles  
Lead Legal Assistant

Original And One Copy By Hand Delivery To:

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA / Office of Administrative Law Judges  
Mail Code 1900R  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-2001

One Copy By Electronic and Regular Mail To:

Jeffery Trevino, Esquire  
Associate Enforcement Counsel  
U.S.EPA / Region V, C14-J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590  
[Email: trevino.jeffery@epa.gov](mailto:trevino.jeffery@epa.gov)

Thomas W. Daggett, Esquire  
Daggett Law Firm  
1551 Larimer Street, #1403  
Denver, CO 80202  
Email: [twdaggett@comcast.net](mailto:twdaggett@comcast.net)

**Dated: January 30, 2015**  
**Washington, D.C.**