



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Dave Erlanson, Sr.,) **Docket No. CWA-10-2016-0109**
)
Respondent.)

ORDER ON COMPLAINANT’S MOTION FOR STATUS CONFERENCE

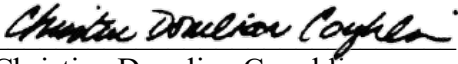
On November 5, 2018, I issued a Notice of Hearing Order scheduling the hearing in this matter and establishing a number of prehearing deadlines, including deadlines for the filing of status reports as to the status of any settlement negotiations between the parties. Complainant timely filed a Settlement Status Report on November 16, 2018, indicating that efforts to engage in a settlement conference had thus far been unsuccessful due to the unavailability of Respondent and Respondent’s counsel, Mark Pollot.

Complainant subsequently filed a Motion for Status Conference (“Motion”) on December 11, 2018. Therein, Complainant requests a status conference regarding the status of Respondent’s representation and its effects, if any, on the proceedings in this matter. Complainant relates that its counsel has continued unsuccessfully to schedule a settlement conference with Respondent through Mr. Pollot since the filing of its Settlement Status Report, that it learned on December 9 that Mr. Pollot intends to withdraw as counsel for Respondent,¹ and that Complainant’s counsel attempted on December 10 to obtain Respondent’s contact information from Mr. Pollot in order to arrange a status conference to no avail. Complainant asserts that a status conference would serve to clarify the status of Respondent’s representation and review deadlines set by the Notice of Hearing Order in the event that Respondent is now appearing *pro se*, and that involvement of this Tribunal in such a conference appears necessary given the many unsuccessful attempts to confer on these matters.

Upon consideration, I find Complainant’s request to be reasonable based upon the circumstances described in the Motion. Accordingly, the Motion is hereby **GRANTED**. No later than 3 p.m. Eastern Time on Friday, December 14, 2018, counsel for Complainant and Respondent shall each inform Jennifer Almase, an Attorney-Advisor for this Tribunal, by email to almase.jennifer@epa.gov of his availability for a status conference with Ms. Almase during the week of December 17, 2018. Following this deadline, Ms. Almase will notify counsel of the date and time of the status conference and provide information to enable their participation.

¹ On September 23, 2016, Mr. Pollot filed a Notice of Appearance identifying himself as Respondent’s counsel. To date, he has not filed any notice of withdrawal of his representation.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: December 12, 2018
Washington, D.C.

In the Matter of *Dave Erlanson, Sr.*, Respondent
Docket No. CWA-10-2016-0109

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion for Status Conference**, dated December 12, 2018, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original and One Copy by Hand Delivery to:

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Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
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Copy by Regular and Electronic Mail to:

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Counsel for Respondent

Dated: December 12, 2018
Washington, D.C.