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BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
HENRY VELLEMAN, i n d i v i d u a l l y,)	DOCKET NO. 5- CAA- 97-
008)	
AND d/b/a PROGRESSIVE)	
POLETOWN PROPERTIES,)	
)	
)	
)	
RESPONDENT)	

ORDER DENYING COMPLAINANT'S MOTION FOR ACCELERATED DECISION

The Complainant's Motion for Accelerated Decision on the Issue of Liability for Counts I Through IX of the Complaint filed on March 4, 1999, is denied as untimely. The hearing in this matter is scheduled to begin on March 23, 1999, in Detroit, Michigan. The Complainant's filing of the motion for accelerated decision at this late date does not provide sufficient time to allow for a response from the Respondent and a decision by the Administrative Law Judge in advance of the hearing. See Sections 22.07, 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. §§ 22.07, 22.16.

The parties are encouraged, however, to reach stipulations to undisputed facts in order to narrow the issues for hearing.⁽¹⁾ The Regional Hearing Clerk has confirmed that the hearing, which is scheduled to begin on March 23, 1999, and to continue if necessary through March 25, 1999, will be held at the Theodore Levin U.S. Courthouse, Courtroom #602, 231 W. Lafayette Boulevard in Detroit, Michigan.

Original signed by undersigned

Barbara A. Gunning
Administrative Law Judge

Dated: 3-4-99
Washington, DC

1. The Order Rescheduling Hearing entered on November 2, 1998, directed the parties to file a joint set of stipulated facts, exhibits, and testimony on or before March 12, 1999.

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