

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR)
) Docket No. CWA-07-2022-0134
IN THE MATTER OF)
EVERGREEN DEVELOPMENT, INC.) **RESPONDENT'S REQUEST**
) **FOR CONTINUANCE**
AND)
)
MARK SCHMIDT,)
)
RESPONDENTS.)

In response to the Presiding Officer's order approving a two week stipulated continuance of the deadline for Respondent's Initial Prehearing Exchange which is currently listed as April 21, 2023. In support of this request, the Respondent advises the administrative law judge that the Respondent is continuing to provide financial information to the Complainant in an effort to determine if a compromise can be reached between the parties. Respondent further advises the administrative judge that:

- The Respondent provided copies of the 2019 and 2020 corporate and personal tax returns to the Complainant on March 16, 2023.
- The Respondent provided the financial information form to the Complainant on April 4, 2023.
- The Respondent was advised thereafter that the Complainant wants the 2021 and 2022 corporate and personal tax returns of the Respondent to evaluate a settlement based on financial hardship.

- The Respondent has not finished/filed the requested 2021 corporate and personal tax returns and therefore needs its accountant to file the same on its behalf.
- The Respondent has not finished/filed the 2022 corporate and personal tax returns which are on extension and therefore not yet due to the Internal Revenue Service.
- That Perry L. Demma, CPA, filed the prior returns and was asked to file the 2021 and 2022 returns for the Respondents.
- That Perry L. Demma, indicated that now that the April 17th tax filing deadline has passed he will be focusing on required quarterly payroll reports and then will assist with the filings in question. The estimate given was two weeks.
- The Complainant indicated that it does not wish to enter in a joint request for an extension of time or consent to the same but that they “do not plan to file any objection if you wish to file a request for an extension of time.”

The Respondent therefore requests a four (4) week continuance of the Respondent’s Initial Prehearing Exchange so that it can have the two years of tax returns prepared and sent to opposing counsel and to thereafter attempt to negotiate a settlement of this matter.

Respectfully submitted on this 20th day of April, 2023.

EVERGREEN DEVELOPMENT, LLC AND
MARK SCHMIDT, Respondents

Jovan Lausterer

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