

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.)

This filing is in response to the Presiding Officer's April 24th order approving a continuance of the deadline for Respondent's Initial Prehearing Exchange which is currently listed as May 19, 2023. In support of this request, the Respondent advises the administrative law judge that:

- On May 5th the Respondent completed and produced its 2021 and 2022 corporate and personal tax returns to the Complainant.
- That Complainant thereafter sought additional real estate closing statements and balance statements from the Respondent.
- That on May 18th the Respondent produced the requested closing statements together with a current balance statement to the Complainant.
- That the attorneys had a telephone conference on the morning of May 19th wherein they discussed the need for additional information from the Respondent's banker about whether additional financing is a possibility and from the realtor about the likely timeline for lot sales.

The Respondent therefore requests a three (3) week continuance of the Respondent's Initial Prehearing Exchange so that it can determine if settlement is a viable alternative to litigating this matter. **It is noted that attorney Shane McGoin has consented to this continuance in order to obtain the information listed above in the fourth bullet point.**

Respectfully submitted on this 19th day of May, 2023.

EVERGREEN DEVELOPMENT, LLC AND
MARK SCHMIDT, Respondents

Jovan Lausterer

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BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
EVERGREEN DEVELOPMENT, INC.) Docket No. CWA-07-2022-0134
)
AND) **CERTIFICATE OF SERVICE**
) **FOR CONTINUANCE**
MARK SCHMIDT,)
)
RESPONDENTS.)

I hereby certify that a true and correct copy of the foregoing Request for Continuance was sent by electronic service on this day to:

EPA, Region 7:
Shane McCoin, Attorney
mccoin.shane@epa.gov

and that I filed via the OALJ E-filing system the original and one copy of the Respondents' Request for Continuance with the Headquarters Hearing Clerk.

DATED this 19th day of May, 2023.

EVERGREEN DEVELOPMENT, LLC, and
MARK SCHMIDT, Respondents

By: 

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