



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

In the Matter of:)
)
Tony L. Brown and Joshua A. Brown) **Docket No. CWA-07-2016-0053**
d/b/a/ Riverview Cattle,)
)
Respondents.)

**ORDER GRANTING COMPLAINANT’S UNOPPOSED
MOTION FOR CONTINUANCE**

On April 10, 2018, I issued a Notice of Hearing Order, which set the dates for the hearing in this matter as June 18-22, 2018. Counsel for Complainant has since informed this Tribunal that a witnesses essential to its case has become unavailable during the scheduled hearing dates due to a family medical emergency out of the country, and Complainant promptly filed an Unopposed Motion for Continuance of Date for Hearing (“Unopposed Motion for Continuance”) on June 5, 2018, requesting that the scheduled hearing be continued. In the Unopposed Motion for Continuance, Complainant notes the unanticipated nature of its witness’s unavailability, and states that it would be significantly prejudiced by having to proceed to hearing without this witness’s testimony. Additionally, in the Unopposed Motion for Continuance, Complainant states that Respondents do not object to the requested continuance, and counsel for Respondents also independently confirmed that Respondents do not object to the requested continuance of the hearing under these circumstances.

Pursuant to the procedural rules governing this proceeding, set forth at 40 C.F.R. Part 22 (“Rules of Practice”), I am responsible for scheduling, and regulating the course of, the hearing in this matter. 40 C.F.R. §§ 22.4, 22.21. The Rules of Practice provide that postponement of a hearing shall be granted only “upon motion and for good cause shown.” 40 C.F.R. § 22.21(c). In the present matter, it is appropriate to grant the Unopposed Motion for Continuance, as Complainant has demonstrated good cause for postponing the scheduled hearing in this matter, and the requested continuance is unopposed. Accordingly, the Unopposed Motion for Continuance is hereby **GRANTED**. The hearing scheduled to commence on June 18, 2018, is postponed, and Complainant is no longer required to file the status report scheduled to be due on or before June 8, 2018. The parties shall identify a jointly agreed upon period of at least one week between September 2018 and December 2018 during which they are available to

participate in a hearing in this matter with any proposed witnesses, and they shall file a joint report identifying such dates no later than **July 3, 2018**.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Date: June 5, 2018
Washington, D.C.

In the Matter of *Tony L. Brown and Joshua A. Brown, d/b/a Riverview Cattle*, Respondents.
Docket No. CWA-07-2016-0053

Certificate of Service

I hereby certify that copies of the foregoing Order Granting Complainant's Unopposed Motion for Continuance, dated and issued by Administrative Law Judge Christine Donelian Coughlin on June 5, 2018, were sent this day to the following parties in the manner indicated below.



Andrea Priest
Attorney Advisor

Original and One Copy by Hand Delivery to:

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Counsel for Respondents

Dated: June 5, 2018
Washington, D.C.