



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.)

CORRECTED ORDER GRANTING SECOND JOINT MOTION
FOR EXTENSION OF TIME¹

On November 14, 2016, I issued a Prehearing Order setting forth prehearing exchange filing deadlines in this matter. The Prehearing Order directed Complainant to file and serve its Initial Prehearing Exchange by January 6, 2017, and its Rebuttal Prehearing Exchange by February 10, 2017. Additionally, the Prehearing Order directed Respondents to file and serve their Prehearing Exchange by January 27, 2017. Consistent with the Prehearing Order, Complainant filed its Initial Prehearing Exchange on January 6, 2017.

Upon joint motion of the parties, I issued an order on January 12, 2017, extending the filing deadline for Respondents’ Prehearing Exchange to February 17, 2017, and the filing deadline for Complainant’s Rebuttal Prehearing Exchange to March 22, 2017. On February 16, 2017, Respondents filed a Joint Motion for Extension of Time to File Respondents’ Prehearing Exchange and Complainant’s Rebuttal Prehearing Exchange (“Second Joint Motion”) on behalf of both parties, requesting that I extended the filing deadline for Respondents’ Prehearing Exchange to February 24, 2017, and the filing deadline for Complainant’s Rebuttal Prehearing Exchange to March 31, 2017. The Second Joint Motion indicates that the parties require the requested extension of time due to a medical condition precluding Respondent’s expert witness from adequately reviewing Complainant’s Prehearing Exchange to prepare his report.

The rules that govern this proceeding, set forth at 40 C.F.R. Part 22, authorize the Presiding Officer to grant an extension of time for filing of any document for good cause shown upon motion, after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). The parties are advised that extensions of time requested on, or shortly before, a filing deadline are disfavored. Parties are generally expected to anticipate foreseeable challenges precluding timely filing and expeditiously move for an extension of time, if necessary. Nevertheless, as the parties’

¹ The Order Granting Second Joint Motion for Extension of Time issued on February 21, 2017, inadvertently identified the extended filing deadline for Complainant’s Rebuttal Prehearing Exchange as March 22, 2017, rather than March 31, 2017. This Order corrects that typographical error.

request for extension of time shows good cause and is agreed upon by the parties, granting it is appropriate in this instance. Accordingly, the Second Joint Motion is hereby **GRANTED**. Respondents shall file and serve their Prehearing Exchange **on or before February 24, 2017**, and Complainant shall file and serve its Rebuttal Prehearing Exchange **on or before March 31, 2017**.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Date: February 22, 2017
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 Corrected Order Granting Second Joint Motion for Extension of Time, dated and issued by Administrative Law Judge Christine Donelian Coughlin on February 22, 2017, were sent this day to the following parties in the manner indicated below.



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Dated: February 22, 2017
Washington, D.C.