

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of:	)	
	)	
Kent Hoggan, Frostwood 6 LLC, and	)	Docket No. CWA-08-2017-0026
David Jacobsen,	)	
	)	
Respondents.	)	

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**COMPLAINANT’S UNOPPOSED MOTION TO POSTPONE HEARING**

Complainant, by its undersigned counsel, files this UNOPPOSED MOTION TO POSTPONE HEARING to June 18-21, 2019, or alternatively to June 11-14, 2019.

The Presiding Officer’s November 14, 2018 Order set the hearing in this matter to begin on Tuesday, June 4, 2019 and to continue as necessary through Friday, June 7, 2019. OALJ Index Document 33 at 6. That Order also directed any party that had good cause for not being able to attend the hearing as scheduled to notify the Presiding Officer as early as possible. *Id.*

Under the Rules governing this proceeding, the Presiding Officer has the authority to “take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues,” and may postpone the hearing “upon motion and for good cause shown.” 40 C.F.R. §§ 22.4(c)(10), 22.21(c). Good cause for postponing a hearing has been shown when postponement was needed “to ensure the availability of witnesses.” *In the Matter of: Taotao USA, Inc.*, 2017 EPA ALJ LEXIS 21, \*3 (E.P.A. June 27, 2017).

Here, Complainant’s primary witness, Mr. Akash Johnson, is unable to attend the hearing as scheduled due to his participation as a groomsman in a lifelong friend’s wedding in Omaha, Nebraska. The wedding events are scheduled to take place during the work week when the hearing is currently scheduled. Postponing the hearing to ensure the availability of

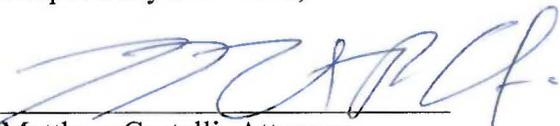
Complainant's key witness constitutes good cause. *See Taotao USA, Inc.*, 2017 EPA ALJ LEXIS at \*3.

Counsel for Respondents confirmed that Respondents do not oppose this motion during phone conferences on December 27, 2018, and December 28, 2018. Counsel for Complainant discussed potential dates for rescheduling the hearing with the Presiding Officer's staff attorney and believes that the proposed dates do not conflict with the Presiding Officer's schedule.

Accordingly, Complainant respectfully requests the hearing in this matter be postponed until June 18-21, 2019, or alternatively to June 11-14, 2019.

Respectfully submitted,

12/28/18  
Date

  
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**CERTIFICATE OF SERVICE**

I certify that the foregoing COMPLAINANT'S UNOPPOSED MOTION TO POSTPONE HEARING in In the Matter of Kent Hoggan, Frostwood 6 LLC, and David Jacobsen, Respondents, Docket No. CWA-08-2017-0026, dated December 28, 2018, was sent this day in the following manner to the addressees listed below:

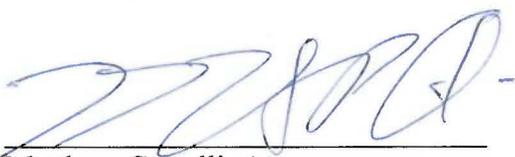
Copy by OALJ E-Filing System to:

Headquarters Hearing Clerk Mary Angeles  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Presiding Officer The Honorable Susan L. Biro  
U.S. Environmental Protection Agency  
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Dated: December 28, 2018