

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

JACKSON & SON DISTRIBUTORS, INC.,
dba JACKSON AND SON OIL,

Seaside, Oregon,

Respondent.

DOCKET NO. CWA-10-2025-0023

**MOTION FOR STAY OF PREHEARING
EXCHANGE SCHEDULE**

COMES NOW, the United States Environmental Protection Agency Region 10 (“Complainant”), by and through its undersigned counsel and pursuant to 40 C.F.R. § 22.7(b), to respectfully request that this Tribunal stay the deadlines for the prehearing exchanges set forth in the November 17, 2025 Order.¹ Complainant has conferred with Respondent, and Respondent does not oppose this motion.

While the 40 C.F.R. Part 22 rules do not expressly authorize a stay of deadlines, 40 C.F.R. Part 22 allows this Tribunal to “grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.”²

The current prehearing exchange schedule is:

December 19, 2025 Complainant’s Initial Prehearing Exchange

January 9, 2025 Respondent’s Prehearing Exchange

January 23, 2025 Complainant’s Rebuttal Prehearing Exchange³

¹ Order Rescheduling the Prehearing Exchange at 3, *Jackson & Son Distrib., Inc.*, Docket No. CWA-10-2025-0023 (June 3, 2025).

² 40 C.F.R. § 22.7(b).

³ Order Rescheduling the Prehearing Exchange, *supra* note 1, at 3.

On December 15, 2025, Complainant filed a Motion to Amend the Amended Complaint, which Respondent does not oppose. Complainant asserts that it is in the interest of justice for its Motion to Amend the Amended Complaint to be resolved before the parties file prehearing exchanges. If the Tribunal denies Complainant's Motion to Amend the Complaint, Complainant respectfully requests that the Tribunal set a schedule for the prehearing exchanges at that time. If the Tribunal grants Complainant's Motion either in full or in part, Complainant respectfully requests that the Tribunal set a schedule for the prehearing exchanges when Respondent files its Answer. This proposal allows the parties to understand what issues are before the Tribunal and are actually contested, and Respondent's affirmative defenses.

In *In re McNamara Realty*, 2018 EPA ALJ LEXIS 46, the tribunal granted an extension of the prehearing exchange schedule where a motion to amend the complaint had been granted but Respondent had not yet filed an answer. The extension was sought by the Complainant to avoid "unnecessary complexity and obfuscation."⁴ In granting the motion for an extension, the tribunal noted that the "extension will not prejudice Respondent, who benefits equally."⁵

Here, Complainant asserts that it is more appropriate to stay the prehearing exchange schedule pending resolution of its Motion to Amend the Amended Complaint because it is not yet known how the Motion will be resolved and therefore, Complainant cannot propose new deadlines for the prehearing exchange.⁶ While indefinite extensions of time are not appropriate,⁷ Complainant's request is time-limited and based on resolution of its Motion to Amend the Complaint. This Tribunal has previously granted a motion to stay prehearing exchange deadlines pending resolution of a motion to amend, noting "that the goal of judicial economy would be

⁴ *Id.* at *1-2.

⁵ *Id.* at *2. See also *In re Town of North Providence, Dept. of Public Works*, 2009 EPA Admin. Enforce. LEXIS 40729 (granting extension of time for prehearing exchange to allow Respondent to file an answer after granting motion to amend the complaint).

⁶ See *In re U.S. Dept. of the Army Walter Reed Army Med. Ctr.*, 1999 EPA ALJ LEXIS 115 (granting a stay of the prehearing exchange deadlines where Respondent intended to file a motion to amend the complaint).

⁷ *In re Johnson*, 2004 EPA ALJ LEXIS 15.

well served by the requested stay of the prehearing exchange schedule pending the outcome of Complainant's Motion to Amend.”⁸

The EPA respectfully believes a stay is warranted and supported. As in *In re McNamara Realty*, the EPA also does not think that a short stay prejudices Respondent, who benefits equally.

Respectfully submitted,

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 10:

DATE

Ashley Bruner
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue Suite 155, M/S 11-C07
Seattle, Washington 98101
(206) 553-0702
Bruner.Ashley@epa.gov

⁸ Order on Complainant's Motion for Stay of Prehearing Exchange Schedule, at 2, *Jackson & Son Distrib., Inc.*, Docket No. CWA-10-2025-0023 (Aug. 28, 2025).

In the Matter of *Jackson & Son Distributors, Inc., d/b/a Jackson and Son Oil*, Respondent.
Docket No. CWA-10-2025-0023

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion for Stay of Prehearing Exchange Schedule**, dated December 15, 2025, was sent this day to the following parties in the manner indicated below.

Ashley Bruner
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Suite 155, M/S 11-C07
Seattle, WA 98101

Copy by OALJ E-Filing System to:

U.S. Environmental Protection Agency
Office of Administrative Law Judges
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

Copy by Electronic Mail to:

Allan Bakalian, WSBA# 14255
Bakalian & Associates P.S.
8201 164th Avenue NE, Suite 200
Redmond, WA 98052
Email: allan@bakalianlaw.com
Counsel for Respondent

Dated: December 15, 2025