



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Tom Villegas and Amy Villegas,) Docket No. CWA-07-2022-0104
)
Respondents.)

**ORDER ON MOTION TO EXTEND RESPONDENTS' PREHEARING EXCHANGE
DEADLINE**

On September 8, 2022, I issued a Prehearing Order setting dates for the parties to submit their Prehearing Exchange materials. Respondents were directed to file their Prehearing Exchange by November 11, 2022. Respondents filed some of their Prehearing Exchange materials as directed, but they also requested and were granted additional time – until December 16, 2022 – to find and retain a new expert witness. *See* Order on Respondents' Motion for Extension of Time (Nov. 14, 2022).

On December 13, 2022, counsel from Baird Holm LLP entered their appearance on behalf of Respondents and indicated they were replacing Respondent's original counsel from Mattson Ricketts Law Firm. Subsequently, at Respondents' request, their prehearing exchange deadline was extended through February 10, 2023. *See* Order on Motion to Extend Respondents' Prehearing Exchange Deadline (Dec. 16, 2022).

On February 8, 2023, Respondents requested an additional extension of their prehearing exchange deadline. *See* Motion to Extend Respondents' Prehearing Exchange Deadline ("Motion"). They state that another expert witness has "disengaged from the case" and more time is needed to "coordinate expert witnesses, review privileged documents, and prepare a Prehearing Exchange." Mot. at 2. Respondents further state that the Agency does not object to the Motion. Mot. at 2.

This Tribunal "may 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; or upon its own initiative." 40 C.F.R. § 22.7(b). Here, I find that Respondents have presented good cause for an extension, and the Agency will not be prejudiced.

Accordingly, Respondents' Motion is **GRANTED**.

Respondents' Prehearing Exchange deadline is extended through **March 27, 2023**.

The Agency's deadline for filing a Rebuttal Prehearing Exchange is extended through **April 17, 2023**.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: February 9, 2023
Washington, D.C.

In the Matter of *Tom Villegas and Amy Villegas*, Respondents.
Docket No. CWA-07-2022-0104

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Motion to Extend Respondents' Prehearing Exchange Deadline**, dated February 9, 2023, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Original by OALJ E-Filing System to:
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Dated: February 9, 2023
Washington, D.C.