



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Evergreen Development, Inc., and) Docket No. CWA-07-2022-0134
Mark Schmidt,)
)
Respondents.)

ORDER ON RESPONDENTS' REQUEST FOR CONTINUANCE

The Prehearing Order in this matter set a schedule by which the parties were to engage in the prehearing exchange of information process. See 40 C.F.R. § 22.19(a). Complainant U.S. Environmental Protection Agency, Region 7, timely submitted its Initial Prehearing Exchange on March 13, 2023. The Prehearing Exchange of Respondents Evergreen Development, Inc., and Mark Schmidt is due on April 7, 2023.

Pending before this Tribunal is Respondents' Request for Continuance ("Request"), filed April 5, 2023. In the Request, Respondents state that "Respondent is working to provide financial information to the Complainant in an effort to determine if a compromise can be reached between the parties." Req. at 1. Respondents also proffer that Complainant's counsel "has indicated Complainant 'would not object to a request for a two week extension of the deadline to submit Respondent's Prehearing Exchange, provided that Mr. Schmidt will submit to us all the financial documentation we need to complete our analysis by the end of this week.'" Req. at 1.

Pursuant to the Consolidated Rules of Practice governing this matter, "the Presiding Officer 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). Accordingly, I find that there is good cause to allow a two-week extension of the deadlines, and that no prejudice will result. The Request is **GRANTED**.

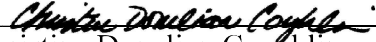
The remaining deadlines for filing prehearing exchange documents are as follows:

April 21, 2023 **Respondents' Prehearing Exchange(s)**

May 5, 2023 **Complainant's Rebuttal Prehearing Exchange**

Any other deadlines set by the Prehearing Order, such as that for filing a joint motion for the appointment of a neutral, are extended accordingly.

SO ORDERED.




Christine Donelian Coughlin
Administrative Law Judge

Dated: April 5, 2023
Washington, D.C.

In the Matter of *Evergreen Development, Inc., and Mark Schmidt*, Respondents.
Docket No. CWA-07-2022-0134

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Respondents' Request for Continuance**, dated April 5, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.


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Staff Attorney

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Dated: April 5, 2023
Washington, D.C.