

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

<p>In the Matter of:</p> <p>Kent Hoggan, Frostwood 6, LLC, and David Jacobsen,</p> <p style="text-align:center">Respondents</p>	<p>Docket No. CWA-08-2107-0026</p>
---	------------------------------------

RESPONDENT KENT HOGGAN'S OPPOSITION TO MOTION FOR DEFAULT

Respondent, Kent Hoggan ("Hoggan") respectfully submits his Opposition to the EPA's Motion to Dismiss.

The EPA filed its motion for default on September 13, 2018 on the grounds that Respondent had not yet filed his Initial Pretrial Exchange and, because he was waiting for critical 2017 project tax returns to be finished by his cpa, and did not have those tax returns until September 17, 2018 (the extended filing deadline), Respondent late filed his Initial Pretrial Exchange on September 20, 2018.

The Respondent has filed his Motion for Late Filing to ask the Court's leave to late file his Initial Pretrial Exchange on September 20th, and that Motion sets forth good cause for granting the motion.

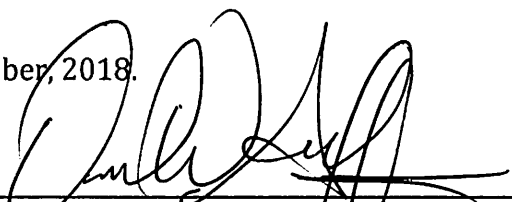
The EPA has since filed a motion to stay its deadline for responding to the Respondent's Initial Pretrial Exchange.

The Administrator has not yet entered an order of default.

With only a 2 week delay in the filing of Respondent's Initial Pretrial Exchange and the fact that the Administrator can grant the EPA's motion to stay its

response deadline, there is no prejudice or harm to the EPA in denying the Motion for Default and giving Mr. Hoggan his day in court. Principles of fundamental fairness, combined with the public policy that matters should be resolved on the merits as opposed to on non-prejudicial defaults, strongly argue in favor of denying the motion for default.

Dated this 20th day of September, 2018.



David W. Steffensen,
Law Office of David W. Steffensen, P.C.
Counsel for Respondent
801-263-1122
4873 South State Street
Salt Lake City, Utah 84107

CERTIFICATE OF SERVICE

I certify that the foregoing Respondent's Opposition to Motion for Default in the Matter of Kent Hoggan, Frostwood 6, LLC, and David Jacobsen, Respondents, Docket No. CWA-08-2017-0026, dated September 26, 2018, was send this day in the following manner to the addresses listed below:

Copy by FedEx:

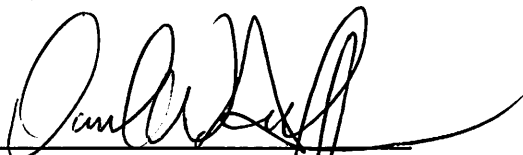
Headquarters Hearing Clerk: Mary Angeles
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Presiding Officer: The Honorable Susan L. Biro
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Copy by FedEx:

Attorney for EPA: Matthew Castelli
U.S. Environmental Protection Agency,
Region 8
Legal Enforcement Program
1595 Wynkoop Street
Denver, CO 80202

Dated: September 26, 2018



David W. Steffensen
Law Office of David W. Steffensen, P.C.
4873 South State Street
Salt Lake City, Utah 84107
801-263-1122
dave.dwslaw@me.com

AMENDED CERTIFICATE OF SERVICE

I certify that the foregoing Respondent's Opposition to Motion for Default in the Matter of Kent Hoggan, Frostwood 6, LLC, and David Jacobsen, Respondents, Docket No. CWA-08-2017-0026, dated September 26, 2018, was sent on September 26, 2018 in the following manner to the addresses listed below:

Copy by FedEx:

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
Office of Administrative Law Judges
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Copy by FedEx:

Attorney for EPA: Matthew Castelli
U.S. Environmental Protection Agency,
Region 8
Legal Enforcement Program
1595 Wynkoop Street
Denver, CO 80202

AMENDMENT:

However, on October 10, 2018, we were informed that the address to which the FedEx packet was sent to the Office of Administrative Law Judges in Washington DC was actually the postal mailing address for the EPA and not the correct address for receiving FedEx packets. Hence, we are e-filing this document through the OALJ system.

Dated: October 10, 2018



David W. Steffensen
Law Office of David W. Steffensen, P.C.
4873 South State Street
Salt Lake City, Utah 84107
801-263-1122
dave.dwslaw@me.com