

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of:	§	Docket Nos.	CWA-06-2012-2710
	§		CWA-06-2012-2712
Paco Swain Realty, L.L.C.	§		
	§		
Respondent.	§		

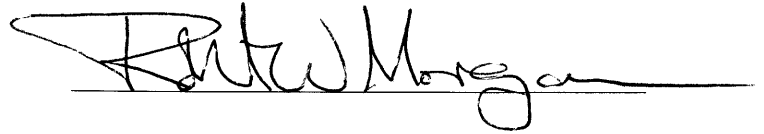
JOINT MOTION TO CANCEL OR POSTPONE HEARING

COMES NOW COMPLAINANT, the Director of the Water Quality Protection Division, United States Environmental Protection Agency, Region 6, by and through its attorney, and Respondent, Paco Swain Realty, L.L.C. (collectively, “Parties”), by and through its attorney, and submit the following Joint Motion to Cancel or Postpone Hearing in each of the above-captioned matters.

1. The Administrative Law Judge (“ALJ”) scheduled a hearing in each of these matters from January 13, 2014 through January 16, 2014.
2. On December 31, 2014, the Parties reached a settlement in principle. The Parties intend to file a Consent Agreement and Final Order (“CAFO”) in the near future. While the Parties will make every effort to ensure the CAFO is filed on or before the January 9, 2014 deadline set in the Order Scheduling Hearing issued by the ALJ, it is possible that the filing may be slightly delayed due to internal review of the CAFO.
3. Unless the hearings are cancelled or postponed, the Parties will need to prepare for both travel to and participation in the hearings. Because a settlement in principle has been reached in this matter, maintaining the current hearing date will result in an unnecessary expenditure of both government and private resources. Therefore, it is in the Parties’ and EPA’s interest to cancel or postpone the hearing to conserve limited resources.
4. The Parties request that the ALJ cancel the hearings in each of the above captioned matters or, in the alternative, postpone the hearings to be set on a later date.

5. In the unlikely event one of the Parties fails to move forward under the settlement in principle, Complainant will immediately notify the ALJ.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Robert W. Morgan", is written over a horizontal line. The signature is stylized and cursive.

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CERTIFICATE OF SERVICE

I certify that the original of the foregoing JOINT MOTION TO CANCEL OR POSTPONE HEARING was filed electronically with the **Headquarters Hearing Clerk** of the Office of the Administrative Law Judges (“OALJ”) via the OALJ E-Filing System, and a true and correct copy was sent to the following on this 2nd day of January, 2015, via email to:

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Tucker Henson