



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Borla Performance Industries, Inc., ) Docket No. CAA-09-2020-0044  
)  
Respondent. )

**NOTICE OF HEARING ORDER**

On October 19, 2020, a Prehearing Order was issued, establishing deadlines for the parties to engage in a prehearing exchange of information and file dispositive motions. Following the prehearing exchange, Complainant filed a motion for accelerated decision as to Respondent's liability; this motion was granted on March 15, 2022. *See* Order Granting Complainant's Motion for Accelerated Decision on Liability and to Strike Affirmative Defenses. There are currently no additional motions pending, and this matter is ready to be scheduled for a hearing on penalty.

Pursuant to my authority to schedule and regulate the course of the hearing, as provided in 40 C.F.R. Part 22, prehearing filing deadlines and the hearing are scheduled as follows:

**Settlement Status Reports.** Complainant is directed to file Status Reports as to the status of any settlement negotiations between the parties, *which shall not include any specific terms of settlement.* The first Status Report shall be filed on or before **April 22, 2022**, and the second Status Report shall be filed on or before **June 24, 2022**.

**Motions.** Non-dispositive motions, such as motions for additional discovery, motions for subpoenas, and motions in limine, shall be filed no later than **May 20, 2022**. Similarly, a party seeking to supplement its prehearing exchange may do so only by motion after **May 27, 2022**. Belated supplements to a party's prehearing exchange may be excluded from evidence at the undersigned's discretion.

**Joint Stipulations.** The time allotted for the hearing is limited. Therefore, the parties shall make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested. This practice ensures that the hearing is concise and focused solely on those matters that can only be resolved after an evidentiary hearing. Any stipulations agreed to by the parties shall be filed as a Joint Set of Stipulated Facts, Exhibits, and/or Testimony on or before **July 1, 2022**.

**Prehearing Briefs.** The parties may, if they wish, file prehearing briefs on or before **July 8, 2022**. If filed, Complainant's brief should specifically state each issue that is to be tried at the hearing. If filed, Respondent's brief should identify each of the defenses and issues for mitigating the penalty that it intends to address at the hearing.

**Prehearing Conference.** A prehearing conference will be scheduled in advance of the hearing and conducted by a staff attorney.

**Hearing.** The hearing in this matter will begin at **10:00 a.m. Eastern Time, July 25, 2022**, and continue as necessary through **July 29, 2022**. The hearing will take place **virtually by videoconference**. Additional information about the hearing format will be provided at a later date.

*Individuals requiring special accommodations for the hearing*, including the services of an interpreter, must contact Mary Angeles, Headquarters Hearing Clerk, at (202) 564-6281, no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made.

If you have any procedural questions or questions about what to expect at the hearing, you may contact Alyssa Katzenelson, Attorney-Advisor, at (202) 564-7052 or [katzenelson.alyssa@epa.gov](mailto:katzenelson.alyssa@epa.gov).

If any party does not intend to attend the hearing, or has good cause for not being able to attend the hearing as scheduled, it shall notify the undersigned as soon as possible.

*COMPLAINANT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN DISMISSAL OF THE CASE WITH PREJUDICE.*

*RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN THE ENTRY OF A DEFAULT JUDGMENT AGAINST IT.*

**SO ORDERED.**



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Susan L. Biko  
Chief Administrative Law Judge

Dated: March 23, 2022  
Washington, D.C.

In the Matter of *Borla Performance Industries, Inc.*, Respondent.  
Docket No. CAA-09-2020-0044

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Notice of Hearing Order**, dated March 23, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
Alyssa Katzenelson  
Attorney-Advisor

Copy by OALJ E-Filing System to:  
Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Ave. NW  
Washington, DC 20004

Copy by Electronic Mail to:  
Sylvia Quast, Regional Counsel  
Nathaniel Moore, Attorney-Advisor  
U.S. Environmental Protection Agency, Region 9  
Email: quast.sylvia@epa.gov  
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*For Complainant*

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*For Respondent*

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*For Respondent*

Dated: March 23, 2022  
Washington, D.C.