

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of)	
)	
Tom Villegas)	
)	MOTION TO STAY
and)	
)	
Amy Villegas,)	
)	Docket No. CWA-07-2022-0104
Respondents)	
)	
Proceedings under Section 309(g) of the)	
Clean Water Act, 33 U.S.C. § 1319(g))	

1. On or about April 20, 2023, Respondents filed a civil action in the District of Kansas that has been docketed as *Thomas Villegas and Amy Villegas v. Regan et al.*, No. 23-cv-2171 (D. Kan.).

2. Respondents' action in the District of Kansas challenges, *inter alia*, whether this proceeding may be brought in this forum as presently constituted.

3. Without waiver of any argument the Agency may assert before this Tribunal or in the now pending action in federal district court, the Agency moves to stay this proceeding pending resolution of *Thomas Villegas and Amy Villegas v. Regan et al.*, No. 23-cv-2171 (D. Kan.).

4. The undersigned has conferred with counsel for Tom and Amy Villegas. Respondent does not object to Complainant's motion to the stay of these proceedings provided that Complainant agrees to toll and not to seek accrual of the Class II administrative penalties sought in the underlying Complaint in Docket No. CWA-07-2022-0104 during the period of any stay of proceedings granted in this matter. If the motion is granted, Complainant so agrees.

RESPECTFULLY SUBMITTED this 15th day of May 2023.

Natasha Goss
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CERTIFICATE OF SERVICE

I certify that on the date noted below I filed via the E-Filing system the original of this Motion to Stay and the accompanying Memorandum in Support of Motion to Stay.

A copy was sent by email to Vanessa Silke and Hannes Zetsche, counsel for Respondents, at *vsilke@bairdholm.com* and *hzetsche@bairdholm.com*, respectively.

Date: 5/15/2023

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