

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

<b>In the Matter of:</b>	)	
	)	<b>Docket No. CWA-08-2017-0026</b>
<b>Kent Hoggan, Frostwood 6 LLC, and</b>	)	
<b>David Jacobsen,</b>	)	
	)	
<b>Respondents.</b>	)	

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**COMPLAINANT’S MOTION FOR STAY**

Complainant, United States Environmental Protection Agency, Region 8, by its undersigned counsel, files this MOTION FOR STAY of Complainant’s Rebuttal Prehearing Exchange deadline pending final resolution of Complainant’s Motion for Default filed on September 13, 2018. Under the Prehearing Order, Complainant’s Initial Prehearing Exchange was due on August 17, 2018, Respondents’ Prehearing Exchange was due on September 7, 2018, and Complainant’s Rebuttal Prehearing Exchange is due on September 21, 2018. OALJ Index Document #18 at 4.

Because Respondents have not submitted a Prehearing Exchange to date, it is in the interest of efficiency to stay Complainant’s Rebuttal Prehearing Exchange deadline until after the Motion for Stay is resolved. To do otherwise would necessarily waste resources. Complainant would be required to submit a Rebuttal Prehearing Exchange, based on no exchanged documents from Respondents, that would either 1) be made moot if the Presiding Officer grants the Motion for Default, or 2) need to be redone if the Presiding Officer denies the Motion for Default and allows Respondents to file a late Prehearing Exchange.

Granting this Motion for Stay will not otherwise delay Complainant’s provision of other information required in the Rebuttal Prehearing Exchange. Besides responding to Respondent’s

Prehearing Exchange, Complainant's Rebuttal Prehearing Exchange only needed to provide the amount of the proposed penalty and a detailed explanation of the factors and methodology Complainant used to calculate the proposed penalty amount. OALJ Index Document #18 at 3-4. Complainant provided this information in the "Request for a Civil Penalty" section of the Memorandum in Support of Complainant's Motion for Default filed on September 13, 2018.

Accordingly, Complainant respectfully requests the deadline for Complainant's Rebuttal Prehearing Exchange be stayed pending the final resolution of Complainant's Motion for Default.

Respectfully submitted,

Date: September 13, 2018

By: 

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**CERTIFICATE OF SERVICE**

I certify that the foregoing Complainant's Motion for Stay in In the Matter of Kent Hoggan, Frostwood 6 LLC, and David Jacobsen, Respondents, Docket No. CWA-08-2017-0026, dated September 13, 2018, was sent this day in the following manner to the addressees listed below:

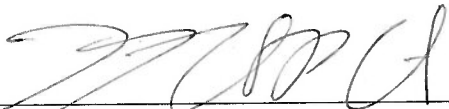
Copy by OALJ E-Filing System to:

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.  
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Copy by email to:

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Dated: September 13, 2018