



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Tony L. Brown and Joshua A. Brown ) Docket No. CWA-07-2016-0053  
d/b/a/ Riverview Cattle, )  
)  
Respondents. )

**NOTICE OF HEARING ORDER**

On November 14, 2016, I issued a Prehearing Order in this matter, directing the parties to file and serve prehearing exchanges.<sup>1</sup> Consistent therewith, Complainant submitted an Initial Prehearing Exchange on January 6, 2017, and a Rebuttal Prehearing Exchange on March 31, 2017. Likewise, Respondents submitted their Prehearing Exchange on February 27, 2017. Complainant filed a Motion for Accelerated Decision as to Liability on May 1, 2017, which I ruled on by order issued on March 13, 2018. No additional motions are pending. Therefore, this matter is ready to be scheduled for hearing.

Pursuant to the procedural rules governing this proceeding, set forth at 40 C.F.R. Part 22, I am responsible for scheduling the hearing and determining an appropriate location for the hearing, consistent with 40 C.F.R. §§ 22.21 and 22.19(d). I am also responsible for regulating the course of the hearing consistent with 40 C.F.R. § 22.4. Accordingly, prehearing filing deadlines and the hearing in this matter 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 **May 11, 2018**, and the second Status Report shall be filed on or before **June 8, 2018**.

**Joint Stipulations.** On or before **May 18, 2018**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after an evidentiary hearing.

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

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<sup>1</sup> The filing deadlines for the prehearing exchanges established by the Prehearing Order were extended by subsequent orders upon the request of the parties.

**Prehearing Briefs.** The parties may, if they wish, file prehearing briefs on or before **June 1, 2018**. If filed, Complainant's brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondents' brief should identify each of the defenses Respondents intend to pursue at the hearing.


**Hearing.** The hearing in this matter shall begin on **Monday, June 18, 2018**, and shall continue as necessary through **Friday, June 22, 2018**, in or around Des Moines, Iowa.<sup>2</sup> The parties will be timely notified of the precise location and start time for the hearing once sufficient space has been reserved by the Office of Administrative Law Judges.

*Individuals requiring special accommodations at the hearing*, including wheelchair access and translation services, 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. A staff attorney for the Office of Administrative Law Judges, Andrea Priest, can be contacted at (202) 564-4914 or priest.andrea@epa.gov, should you have any procedural questions or questions about what to expect at the hearing.

*RESPONDENTS ARE ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN THE ENTRANCE OF DEFAULT JUDGMENT AGAINST THEM.*

*IF EITHER 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 AT THE EARLIEST POSSIBLE MOMENT.*

**SO ORDERED.**

  
Christine Donelian Coughlin  
Administrative Law Judge

Dated:

April 10, 2018  
Washington, D.C.

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<sup>2</sup> The parties advised that counsel for Respondents has an obligation in the morning on June 18, 2018. The scheduling of the hearing time on this date will accommodate this obligation.

In the Matter of *Tony L. Brown and Joshua A. Brown, d/b/a Riverview Cattle*, Respondents.  
Docket No. CWA-07-2016-0053

**Certificate of Service**

I hereby certify that copies of the foregoing Notice of Hearing Order, dated and issued by Administrative Law Judge Christine Donelian Coughlin on April 10, 2018, were sent this day to the following parties in the manner indicated below.



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Andrea Priest  
Attorney Advisor

Original and One Copy by Hand Delivery 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

Copies by Regular and Electronic Mail to:

Howard Bunch, Esq.  
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*Counsel for Respondents*

**Dated: April 10, 2018**  
**Washington, D.C.**