SOAH DOCKET NO. 582-16-1820
TCEQ DOCKET NO. 2015-1221-PST-E

EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, Petitioner	§	**BEFORE THE STATE OFFICE**
	§	**OF**
v.	§	
JOE'S & CHO, INC. D/B/A JOES FUTURE FOOD MART, Respondent	§	**ADMINISTRATIVE HEARINGS**

ORDER NO. 1
GRANTING MOTION TO WAIVE PRELIMINARY HEARING
AND APPROVE SCHEDULE

On February 10, 2016, the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) filed an agreed motion to waive the preliminary hearing, scheduled for February 11, 2016; admit ED Exhibits A through D to show jurisdiction; and set a case schedule on which the parties have agreed. The motion is granted. The preliminary hearing will not be held, ED Exs. A through D are admitted solely to show jurisdiction, and the following schedule is adopted for this case:

DATE	EVENT
April 6, 2016	Deadline to file discovery requests, including requests for disclosure, written depositions, interrogatories, requests for production and inspection, and requests for admissions.
May 6, 2016	Deadline to file responses to discovery requests.
May 20, 2016	Deadline to complete discovery, including oral depositions.
July 19, 2016	Evidentiary hearing.

The evidentiary hearing will begin at 9:00 a.m., July 19, 2016, at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas. If necessary, it will continue each workday thereafter until concluded. If the parties anticipate that the

hearing will last more than one day, the ED shall notify the Judge in writing not later than ten days before the hearing and shall arrange and pay for a court reporter to transcribe the hearing and prepare a transcript.

If the Respondent fails to appear for hearing, the hearing may proceed in the Respondent's absence on a default basis; the factual allegations listed in the previously issued notice of hearing, including any documents incorporated by reference, may be deemed admitted as true; and the relief sought in the notice of hearing, including any documents incorporated by reference, may be granted by default.

SIGNED February 10, 2016.

Stephanie Frazee

STEPHANIE FRAZEE
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 322-2061

SERVICE LIST

AGENCY: **Environmental Quality, Texas Commission on (TCEQ)**

STYLE/CASE: **JOE'S & CHO INC DBA JOES FUTURE FOOD MART**

SOAH DOCKET NUMBER: **582-16-1820**

REFERRING AGENCY CASE: **2015-1221-PST-E**

STATE OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW JUDGE
ALJ STEPHANIE FRAZEE

REPRESENTATIVE / ADDRESS	PARTIES
WILLIAM W. THOMPSON, III ATTORNEY AT LAW GRISSOM & THOMPSON, LLP 509 WEST 12TH STREET AUSTIN, TX 78701 (512) 478-4059 (PH) (512) 482-8410 (FAX)	JOE'S & CHO, INC. DBA JOES FUTURE FOOD MART
RUDY CALDERON TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OFFICE OF PUBLIC INTEREST COUNSEL MC-103 P.O. BOX 13087 AUSTIN, TX 78711-3087 (512) 239-3144 (PH) (512) 239-6377 (FAX) rudy.calderon@tceq.texas.gov	OFFICE OF PUBLIC INTEREST COUNSEL
JAKE MARX STAFF ATTORNEY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY LITIGATION DIVISION P.O. BOX 13087, MC 175 AUSTIN, TX 78711-3087 (512) 239-3400 (PH) (512) 239-3434 (FAX) jake.marx@tceq.texas.gov	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY