

SERVED NOVEMBER 17, 2006

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

IN THE MATTER OF

JOAQUIN RODRIGUEZ

FAA DOCKET NO. CP05SO0049
(Civil Penalty Action)

DMS NO. FAA-2005-22885-11

**ADMINISTRATIVE LAW JUDGE'S ORDER
SETTING DEADLINE FOR ANSWER TO MOTION**

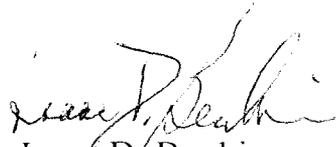
On October 27, 2006, I issued an order continuing the hearing in this case and requiring certain showings by the Respondent. Among other things, the Respondent was required to furnish to counsel to the Complainant and the administrative law judge "a list of witnesses who will testify on his behalf, together with a brief summary of the substance of their expected testimony and a copy of each and every document he intends to offer in evidence."

In response to the above-quoted requirement, the Respondent has filed two declarations, *i.e.*, affidavits. One was executed by him, to which he has attached copies of income tax returns and other documents purporting to support his contention that payment of the civil penalty sought by the Complainant is beyond his means. The other declaration is by his attorney. Among other things, it states that "my client does not intend to present witnesses to testify in this proceeding."

The Respondent's submission is construed as a motion to receive in evidence his declaration and the materials attached to his declaration and to close the record without a further evidentiary hearing. In view of the fact that the further hearing has been scheduled to take place on December 14,

2006, it is necessary to shorten the time for filing the Complainant's answer to that motion.

Accordingly, **IT IS ORDERED** that the Complainant shall file its answer to the Respondent's motion not later than the close of business November 27, 2006.


Isaac D. Benkin
Administrative Law Judge

FAA Docket No.
CP05SO0049
(Civil Penalty Action)

SERVICE LIST

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Hearing Docket
Federal Aviation Administration
800 Independence Avenue, S.W.
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Attn: Hearing Docket Clerk, AGC-430
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The Honorable Ronnie A. Yoder
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