

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

The Staff of the Missouri Public Service
Commission,

Complainant,

vs.

Fawn Lake Water Corp. and
Rachel Hackman,

Respondents.

The Office of the Public Counsel,
An agency of the State of Missouri,

Complainant,

vs.

Fawn Lake Water Corp.,
Rachel Hackman,
A Missouri water corporation,

Respondents.

Case No. WC-2015-0330

Case No. WC-2015-0340

**RESPONDENTS' MOTION TO SET ASIDE DEFAULT JUDGMENT AND TO FILE
ANSWER TO COMPLAINANTS' PETITIONS OUT OF TIME**

COME NOW the Respondents, by and through the undersigned counsel, and move the Commission to set aside the Order Granting Motion For Default Determination entered by it on September 16, 2015, in each of the above stated causes. For this Motion, the undersigned counsel states as follows:

1. Commission Rule 4 CSR 240-2.070(10) states "The respondent has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may

grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.”

2. The Commission’s September 16, 2015 Order waived the seven (7) day response time and ordered that Respondent file a motion to set aside no later than September 30, 2015.

3. The term good cause does not have a precise definition, but serves a remedial purpose and this Commission should interpret it with commensurate liberality to prevent a threatened manifest injustice, especially in cases where only one side of the evidence is presented.

4. Respondents have just retained the undersigned and filing an answer will assure a just result in this matter. Justice is better served by both parties having equal access to be heard by the Commission versus the Commission entering a default judgment.

5. The Respondents did not intentionally or recklessly design to impede the judicial process.

WHEREFORE, the undersigned respectfully moves the Commission to set aside its Order Granting Motion For Default Determination entered by it on September 16, 2015, in each of the above stated causes, allow the Respondents to file an answer to the Complainants’ Petitions out of time, and grant any and all other relief it deems proper in the circumstance.

Respectfully submitted,

HERNANDEZ LAW FIRM, LLC

By: /s/ Jennifer Hernandez

Jennifer L. Hernandez, #59814
1802 Sun Valley Drive
Jefferson City, Missouri 65109
Phone: 573-616-1486
Fax: 573-342-4962
E-Mail: jennifer@hernandezlegal.com

ATTORNEY FOR RESPONDENTS

Certificate of Service

I certify that a true copy of the above and foregoing was served by electronic mail to all counsel of record this 30th day of September 2015.

/s/ Jennifer Hernandez