

BASSMAN, MITCHELL & ALFANO

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February 26, 2016

**By Electronic Filing**

Ms. Sybil Anderson  
Headquarters Hearing Clerk (MC 1900R)  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**Re: *In the Matter of Aylin, Inc., et al.***  
***Docket No. RCRA-0302-13-0039***

Dear Ms. Anderson:

I have enclosed for filing in the above-referenced matter, Respondents' Pending Motion to Conduct Additional Discovery.

Thank you for your assistance with this matter.

Sincerely,

BASSMAN, MITCHELL, ALFANO & LEITER



Jeffrey L. Leiter

Enclosure

cc: Service List

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

<b>In the Matter of:</b>	)	
	)	
<b>Aylin, Inc.; Rt. 58 Food Mart, Inc.;</b>	)	<b>Docket No. RCRA-0302-13-0039</b>
<b>Franklin Eagle Mart Corp.;</b>	)	
<b>Adnan Kiriscioglu; 5703 Holland</b>	)	
<b>Road Realty Corp.; 8917 South</b>	)	<b>Proceeding under Section 9006</b>
<b>Quay Road Realty Corp.; and,</b>	)	<b>of the Resource Conservation an</b>
<b>1397 Carrsville Highway Realty</b>	)	<b>and Recovery Act, as amended,</b>
<b>Corp.,</b>	)	<b>42 U.S.C. Section 6991e</b>
	)	
<b>Respondents.</b>	)	

**RESPONDENTS' PENDING MOTION TO CONDUCT ADDITIONAL DISCOVERY**

The Presiding Officer, in her December 10, 2015 Notice of Hearing Order (“Order”), directed the parties to file any non-dispositive prehearing motions, including motions for additional discovery, no later than February 26, 2016.

Respondents Aylin, Inc.; Rt. 58 Food Mart, Inc.; Franklin Eagle Mart Corp.; Adnan Kiriscioglu; 5703 Holland Road Realty Corp.; 8917 South Quay Road Realty Corp.; and, 1397 Carrsville Highway Realty (the “Respondents”), by and through their undersigned counsel, and pursuant to the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits* (the “Rules of Practice”), 40 C.F.R. Part 22, previously asked this Tribunal to grant their Motion for Leave to Conduct Additional Discovery and to Supplement Their Prehearing Exchange to Add a Witness (“Motion”).

Respondents, through this Motion, asked the Presiding Officer to order the oral examinations of two of the Complainant's designated witnesses, Leslie Beckwith and Andrew Ma. In addition, the Respondents asked the Presiding Officer to order the Complainant to answer a narrowly drawn set of interrogatories.

Complainant timely filed its response to the Motion, opposing the Respondents' request for this additional discovery. Respondents subsequently filed their reply to the Complainant's opposition. The Presiding Officer has not decided the Motion.

The purpose of this pleading, consistent with the Presiding Officer's Order is to inform the Tribunal that the Respondents continue to see the order requested in their Motion to take the depositions of Mr. Ma and Ms. Beckwith and the Complainant's answers to the propounded interrogatories. The Respondents will not reargue the Motion in this pleading. The Motion has been fully briefed by the parties and awaits a decision by the Presiding Officer.

Dated: February 26, 2016

Respectfully submitted,



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Jeffrey L. Leiter  
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Attorneys for Respondents

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 26<sup>th</sup> day of February, 2016, the foregoing Respondents' Pending Motion to Conduct Additional Discovery was file electronically with:

Sybil Anderson, Headquarters Hearing Clerk  
Office of Administrative Law Judges  
U.S. EPA, Mailcode 1900 R  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

I FURTHER CERTIFY that, on this 26<sup>th</sup> day of February, I served via electronic mail and first class mail a true and correct copy of the foregoing to:

Louis F. Ramalho, Esq.  
Janet E. Sharke, Esq.  
U.S. EPA, Region III  
1650 Arch Street (3RC50)  
Philadelphia, Pennsylvania 19103-2029

Date: February 26, 2016



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Jeffrey L. Leiter