

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
Elite Enterprises, Inc.)
2701 S. Coliseum Blvd., Suite 1158)
Fort Wayne, IN 46803)
)
U.S. EPA ID No. INR 985 102 607)
)
Creative Liquid Coatings, Inc.)
(formerly d/b/a Creative Coatings, Inc.))
)
AND)
)
Randall Geist)
)
Respondents.)

Docket No. RCRA-05-2009-0013

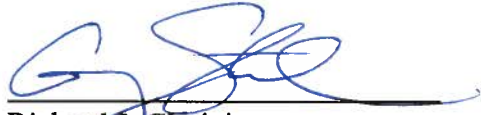
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U.S. ENVIRONMENTAL
PROTECTION AGENCY

**COMPLAINANT'S FIRST MOTION TO
SUPPLEMENT PREHEARING EXCHANGE**

Comes now the United States Environmental Protection Agency, Region 5 ("U.S. EPA" or "Complainant"), through its undersigned attorneys, pursuant to Sections 22.16(a) and 22.19(f) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules"), codified at 40 C.F.R. §§ 22.16(a) and 22.19(f), and respectfully requests that the Presiding Officer issue an order allowing Complainant to file the First Supplemental Prehearing Exchange submitted herewith. In support of this Motion, Complainant relies on the Consolidated Rules, the pleadings and records on file with the Court, and the facts and law set forth in the accompanying Memorandum in Support of Complainant's First Motion to Supplement Prehearing Exchange.

Prior to filing this Motion, counsel for Respondents Creative Liquid Coatings, Inc. and Randall Geist was contacted and advised of the Complainant's intention to file this motion.

Respectfully submitted,



Richard J. Clarizio
Karen Peaceman
Associate Regional Counsels
Gary E. Steinbauer
Assistant Regional Counsel
United States EPA – ORC Region 5
77 W. Jackson Blvd. (C14-J)
Chicago, IL 60604
(312) 886-0559
Attorneys for Complainant

DATE: March 19, 2010

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CERTIFICATE OF SERVICE

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I certify that the foregoing Complainant's First Motion to Supplement Prehearing

Exchange and the Memorandum in Support of Complainant's First Motion to

REGIONAL HEARING CLERK
ENVIRONMENTAL
PROTECTION AGENCY

Supplement Prehearing Exchange, dated March 19th, 2010, were sent this day in the

following manner to the addresses listed below:

Original and One-Copy
by Hand-Delivery to:

La Dawn Whitehead
Regional Hearing Clerk
United States EPA – ORC Region 5
77 W. Jackson Blvd. (E-19J)
Chicago, IL 60604-3590

Copy by Pouch Mail to:

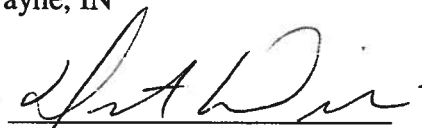
The Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-2001

Copy by Federal Express to:

Attorney for Respondents Creative Liquid
Coatings, Inc. and Mr. Randall Geist
David L. Hatchett, Esq.
Hatchett & Hauck LLP
111 Monument Circle, Suite 301
Indianapolis, IN 46204-5124

Mr. Randall Geist
Registered Agent
Elite Enterprises, Inc.
2701 S. Coliseum Blvd, Suite 1158
Fort Wayne, IN

DATE: March 19th, 2010



Dorothy Willis
United States EPA – ORC Region 5
77 W. Jackson Blvd. (C14-J)
Chicago, IL 60604