

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

RECEIVED  
JUN 10 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY.

Docket No. TSCA-05-2008-0019

\_\_\_\_\_  
)  
)  
)  
Mardaph II, LLC; Mardaph III, LLC; )  
and Vinnie Wilson; )  
Cincinnati, Ohio )  
Respondents. )  
\_\_\_\_\_

**MOTION FOR DEFAULT**

Complainant United States Environmental Protection Agency (U.S. EPA) herein files this Motion for Default Judgment against Respondents Mardaph II, LLC and Mardaph III, LLC and in support thereof states as follows:

1. On July 31, 2008, U.S. EPA filed an administrative complaint (complaint) against the Respondents alleging 47 violations of the Toxic Substances Control Act (TSCA).

2. In the complaint, U.S. EPA sought a penalty against Respondent Mardaph II, LLC (Mardaph II) of \$30,320 and against Respondent Mardaph III, LLC (Mardaph III) of \$26,840.

3. The listed registered agent for the two Respondents was served by Federal Express mail with the Complaint, along with a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, and the Section 1018 Disclosure Rule Enforcement Response Policy, on August 14, 2008.

4. On August 18, 2008, the registered agent wrote to U.S. EPA stating that he had received the complaint and that he had resigned as the registered agent for the Respondents. He went to suggest that the U.S. EPA contact the shareholder of these entities, Respondent Vinnie Wilson. In the resignation notice, which was included with the letter, Respondent Vinnie Wilson is listed as the contact for the two Respondents.

5. On August 20, 2008, the former registered agent forwarded copies of the complaint to Respondent Vinnie Wilson, along with a notice of his resignation dated August 11, 2008.

6. Since the resignation of the registered agent, no new registered agent has been appointed for the Respondents.

7. On October 22, 2008, Respondent Vinnie Wilson was personally served with the complaint.

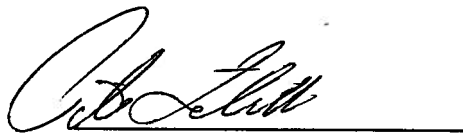
8. Despite being served with the complaint, Respondents Mardaph II and Mardaph III have failed to file an answer within 30 days of service as required by 40 C.F.R. § 22.15(a).

9. Pursuant to 40 C.F.R. § 22.17, U.S. EPA hereby moves for the entry of an order of default against Respondent Mardaph II, LLC in the amount of \$30,320 and against Respondent Mardaph III, LLC in the amount of \$26,840.

10. In support of its motion, U.S. EPA hereby files the attached Brief in Support of Motion for Entry of a Default Order.

Wherefore, U.S. EPA respectfully requests that the Regional Hearing Official enter an order for default against Respondent Mardaph II, LLC and Respondent Mardaph III, LLC.

Submitted this 5th day of June 2009.



Peter Felitti  
Assistant Regional Counsel  
U.S. Environmental Protection Agency

RECEIVED  
JUN 10 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was served on the Regional Hearing Clerk, U.S. EPA Region 5, and that true and correct copies were served on the Regional Hearing Officer and Respondent Mardaph II, LLC and Respondent Mardaph III, LLC with delivery by first class mail on June 10, 2009 to:

Mardaph II, LLC  
c/o Vinnie Wilson  
7923 Rambler Place  
Cincinnati, Ohio 45231

Mardaph III, LLC  
c/o Vinnie Wilson  
7923 Rambler Place  
Cincinnati, Ohio 45231

RECEIVED  
JUN 10 2009  
REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Dated this 10th day of June 2009.



Peter Felitti  
Assistant Regional Counsel  
U.S. EPA, Region 5