

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF)

Docket No. SDWA-04-2005-1016

Gene A. Wilson)

Respondent)

HEARING CLERK

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**RESPONSE TO RESPONDENT'S MOTION TO
REQUIRE COMPLAINANT TO FILE FIRST**

COMES NOW, Counsel for Complainant and timely files this response to Respondent's 'Motion to Require Complainant to File First.' Complainant asserts that this motion should be denied for the following reasons.

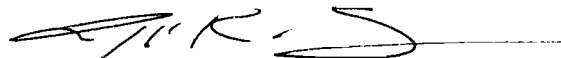
First, Respondent states that he does not know what Complainant is charging against him. However, the violations are set forth in the Complaint which initiated this matter. Since Complainant cannot allege any violations outside of those which are contained in the Complaint, Respondent can find the charges against him set forth in that filing..

Second, the statements contained in item 3 of Respondent's Motion are in dispute and do not support a finding that Complainant should file its prehearing exchange statement first. The statements contained in item 4 of the Motion represent Respondent's view of events that have no bearing on the issue of filing prehearing exchange statements.

Finally, Respondent will have the opportunity to rebut any and all of Complainant's evidence against him in his Rebuttal Prehearing Exchange, as ordered by the Regional Judicial Officer.

Respondent has offered no compelling reason why Complainant's prehearing exchange documents should be filed first. Accordingly, Counsel for Complainant respectfully requests that this motion be denied..

Respectfully submitted,



Zylpha K. Pryor
Counsel for Complainant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date indicated below, the original and one copy of Complainant's 'Response to Respondents Motion to Require Plaintiff to File First' were delivered by interoffice mail to the Regional Hearing Clerk and copies were sent to the following persons in the manner noted.

Susan B. Schub, Esq.
Regional Judicial Officer
U.S. EPA
61 Forsyth Street
Atlanta, GA 30303

Interoffice Mail

Mr. Gene A. Wilson
101 Madison Street
P.O. Box 702
Louisa, KY 41230

Certified Mail - Return Receipt

October 25, 2006



Sharon Thompson, Secretary
OLS - OEA
U.S. EPA
61 Forsyth Street
Atlanta, GA 30303