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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

_____)	
In the Matter of:)	Docket No. TSCA-05-2008-0012
))
One Management, Inc.;)	Honorable William B. Moran
L&J Investment, Inc.; and)	Presiding Administrative Law Judge
One Management Investment Group,)	
Detroit, Michigan)	
)	
Respondents.)	
_____)	

COMPLAINANT'S MOTION REGARDING RESPONDENTS' FAILURE TO COMPLY WITH THE PREHEARING ORDER

As Respondents have failed to comply with this Court's February 2, 2009 Prehearing Order (Prehearing Order), the United States Environmental Protection Agency, Region 5 (U.S. EPA or Complainant) files this Motion to request that this Court make a finding under Section 22.19(g) 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, codified at 40 C.F.R. § 22.19(g), to: (1) infer that any information Respondents could have, but failed to provide, would be adverse to Respondents; (2) exclude such information from evidence; or (3) issue a default order under 40 C.F.R. § 22.17(c).

On February 2, 2009, the Presiding Officer, William B. Moran, issued the Prehearing Order requiring the parties to file their prehearing exchanges in accord with the procedures set forth in the Prehearing Order.

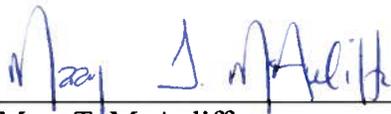
In accordance with this Court's Prehearing Order, on April 3, 2009, Complainant timely filed its Initial Prehearing Exchange pursuant to 40 C.F.R. § 22.19.

The Court's Prehearing Order also required Respondents to file their Prehearing Exchange on the same date. As of the filing of this Motion, Complainant has not been served with a copy of Respondents' Prehearing Exchange Order. Further, the Regional Hearing Clerk has advised Complainant that to date, Respondents have not filed their Prehearing Exchange with the Regional Hearing Clerk.

Accordingly, Complainant respectfully requests that this Court issue its order to: (1) infer that any information Respondents could have, but failed to provide, would be adverse to Respondents; (2) exclude such information from evidence; or (3) issue a default order under 40 C.F.R. § 22.17(c).

Respectfully submitted,

U.S. Environmental Protection Agency



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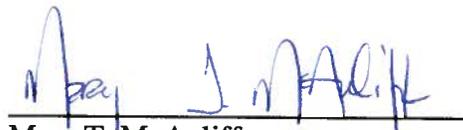
CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2009, I filed the original and one copy of Complainant's Motion Regarding Respondents' Failure to Comply with the Prehearing Order with the Regional Hearing Clerk, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and placed for pickup to be mailed a copy of Complainant's Motion Regarding Respondents' Failure to Comply with the Prehearing Order, along with a copy of such filing on a disc, by Pouch Mail to:

The Honorable William B. Moran
Administrative Law Judge
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

and placed for pickup to be mailed a copy of Complainant's Motion Regarding Respondents' Failure to Comply with the Prehearing Order by certified mail, certified receipt number 7001 0320 0006 0188 4817, to:

Michael H. Perry, Esquire
Fraser Trebilcock Davis & Dunlap, P.C.
124 West Allegan Street, Suite 1000
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