

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)

Kathryn Y. Lewis-Campbell)

Respondent)

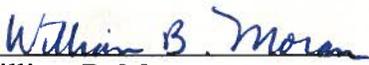
) Docket No. TSCA-05-2009-0004
)
)

Order on EPA's Motion for Partial Accelerated Decision

On April 8, 2009, EPA filed a motion for a Partial Accelerated Decision on the issue of Respondent's ability to pay. The memorandum in support accompanying EPA's motion asserted that, because Respondent did not raise an ability to pay defense, that defense should be deemed to be waived. The motion went on to note that the Respondent could still file an amended answer with such a defense included.

Respondent, through Counsel, picked up on EPA's suggestion and filed a Motion to file an amended answer along with the amended answer itself. That amended answer included an inability to pay defense. EPA then filed its response, stating that it had no objection to the motion to file an amended answer.

Upon consideration, the Court grants Respondent's Motion. As a consequence, EPA's Motion is DENIED. If it has not already done so, Respondent should file its amended answer with the Regional Hearing Clerk and send a cover letter to Counsel for EPA and to the Court informing that it has filed the amended answer. Counsel for Respondent is again reminded of the importance of following the procedural rules for these proceedings, as set forth at 40 C.F.R. Part 22. The date for compliance with the Court's Prehearing Order remains unaltered by this Order.


William B. Moran
United States Administrative Law Judge

Dated: June 10, 2009
Washington, DC

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CERTIFICATE OF SERVICE

I certify that the foregoing **Order Regarding EPA's Motion for Discovery**, dated, June 10, 2009, was sent this day in the following manner to the addressees listed below:

Original and copy by pouch mail to:

Ladawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 W. Jackson Blvd.
Chicago, IL 60604

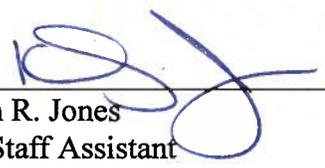
Copy by regular mail to:

Attorney for Complainant:

Richard Wagner, Esq.
Assistant Regional Counsel
U.S. EPA
77 W. Jackson Blvd.
Chicago, IL 60604

Respondent:

Cassandra Collier-Williams, Esq.
Law Offices of Cassandra Collier-Williams, LLC
2103 St. Clair Avenue, 2nd Floor
Cleveland, OH 44114



Knolyn R. Jones
Legal Staff Assistant

Dated: June 10, 2009
Washington, DC

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