

FILED

2006 NOV 29 PM 2:52

U.S. DISTRICT COURT
REGIONAL HEARING CLERK

Robert T Scott
President
LTS Investments, a Nevada Corporation
160 Lemmon Drive
Reno, NV 89506
775-677 0155

November 21, 2006

Docket No. FIFRA-9-2006-0005

Respondents' Reply to "Complainant's Reply to Respondent's Motion to Dismiss" and Complainant's Reply to Respondent's Request for Discovery."

Respondent did receive Complainant's November 2 transmittal of the Pre-Hearing Exchange on November 3, To date, we have received no such package Complainant claims to have sent on October 24, 2006. An addressing error would be unlikely since we had received several transmittals from Complainant during the last year.

This is the first acknowledgement by Complainant that they did destroy the crucial evidence, the four (4) small aerosol cans, seized by Carpenter and that no laboratory analysis was ever conducted on the contents of the cans. No one will ever know what was contained in those eight (8) year old cans. Carpenter's actions of seizure of the product, our cooperation in letting him take the 4 cans and his destruction of the product demonstrates that was the EPA's determined level of action. This case should be dismissed.

We received Complainant's court filing referred to herein and dated 11/08/06 on 11/15/06.



Robert T Scott

LTS Investments

Dated: November 21, 2006

Reno, Nevada

In the Matter of LTS Investments, d/b/a North Valleys True Value Hardware, Respondent Docket
No. FIFRA-09-2006-0005

CERTIFICATE OF SERVICE

I certify that the original and a copy of the foregoing Reply to Complainant's Motion for Partial Accelerated Decision on Liability and Reply to Complainant's Reply to Respondent's Motion to Dismiss and Request for Discovery were sent this day in the following manner to the addresses listed below:

Original by Mail to:

Danielle Carr
Regional Hearing Clerk
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA 94105

Copy by Mail to:

Attorney for Complainant:

Margaret Alkon, Esp
Assistant Regional Counsel
U.S. EPA
75 Hawthorne Street
San Francisco, CA 94105

Administrative Law Judge:

Honorable William B. Moran
U.S. EPA Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001



Robert T. Scott
LTS Investments

Dated: November 21, 2006