



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK U.S. EPA REGION 5 2011 JUN 15 PM 5:44

IN THE MATTER OF LIPHATECH, INC., RESPONDENT. DOCKET NO. FIFRA-05-2010-0016

ORDER SCHEDULING HEARING

A review of the file reflects that the prehearing exchange process in this case has been completed and the case is ripe for scheduling for hearing. The parties have not reached a settlement in this matter to date, therefore they shall strictly comply with the requirements of this Order and prepare for a hearing.

In connection therewith, on or before October 10, 2011, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate, as much as possible, to matters which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after a hearing.

All pre-hearing motions, such as motions to supplement and motions in limine, must be filed on or before August 31, 2011.


The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is Monday, October 17, 2011. A copy of the briefs should be faxed and/or hand-delivered to the undersigned by that date. The Complainant's brief should specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. The Respondent's brief should identify each of the defenses the Respondent intends to pursue at the hearing.

The Hearing in this matter will be held beginning promptly at 9:30 a.m. on Monday, October 31, 2011, in Milwaukee, Wisconsin, continuing if necessary, through November 10, 2011. The Regional Hearing Clerk will make appropriate arrangements for a Courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

THE RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT.

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.



Susan L. Biro
Chief Administrative Law Judge

Dated: June 10, 2011
Washington, DC

2011 JUN 15 PM 5:44

In the Matter of Liphatech, Inc., Respondent
Docket No. FIFRA-05-2010-0016

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Scheduling Hearing**, dated June 10, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: June 10, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60604-3590

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