



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 12, 2011

Honorable Susan L. Biro
Office of Administrative Law Judges
U. S. Environmental Protection Agency
Ariel Rios Building, Mailcode: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

REPLY TO THE ATTENTION OF

E-19J

RECEIVED
SEP 12 2011

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

RE: In The Matter of: **Liphatech, Inc. (Milwaukee, Wisconsin)**
Docket No.: **FIFRA-05-2010-0016**
Complaint Date: **May 14, 2010**
Total Proposed Penalty: **\$2,941,456.00**

Dear Judge Biro:

This letter serves as a confirmation for a reservation for a courtroom for an Administrative Hearing to commence at 9:30 a.m. on Monday, October 31, 2011 and continuing, through Thursday, November 10, 2011 in Milwaukee, Wisconsin.

Location of Hearing:

Eastern District of Wisconsin
Federal Building and U.S. Courthouse, Room 498
517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-4581

Key Pickup Information:

GSA Building Manager's Office, Room 232, Phone: (414) 297-3039 and Fax# (414) 297-1021

Court Reporter: Ronald Hendricks, Kempfer Court Reporting

800 725 9307 800 903 1270 fax

www.kempfercourtreporting.com notice@wisconsinreporting.com
ronron@wisconsinreporters.com

If you have questions contact me at (312) 886-3713 or whitehead.ladawn@epa.gov .

Sincerely,

La Dawn Whitehead
Regional Hearing Clerk

Enclosure

cc: Michael H. Simpson

Nidhi K. O'Meara



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

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

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-Scale
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

Copy By Pouch Mail To:

Nidhi K. O'Meara, Esquire
Gary E. Steinbauer, Esquire
Cynthia King, Esquire
Office of Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy By Regular Mail To:

Michael H. Simpson, Esquire
Reinhart, Boerner, Van Deuren, S.C.
P.O. Box 2965
Milwaukee, WI 53201-2965

Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202