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June 5, 2009

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REGIONAL HEARING CLERK  
USEPA  
REGION 5

Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604

Re: **In the Matter of: One Management, Inc., L & J Investment, Inc., and One Management Investment Group, Detroit, Michigan**  
Docket No.: TSCA-05-2008-0012


Dear Clerk:

Enclosed herewith please find the original and one copy of Respondents' Motion for Extension of Time to file Initial Prehearing Exchange, Respondents' Initial Prehearing Exchange, and Proof of Service of same. Also enclosed is a CD with the above documents.

Thank you.

Very truly yours,

**FRASER TREBILCOCK DAVIS & DUNLAP, P.C.**



Michael H. Perry

MHP:js

Enclosures

cc: Honorable William B. Moran (w/enc.)  
Mary McAuliffe (w/enc.)  
Erik H. Olson (w/enc.)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:

Docket No.: TSCA-05-2008-0012

**One Management, Inc.,  
L & J Investment, Inc., and  
One Management Investment Group,  
Detroit, Michigan,**

Hon. William B. Moran

**RESPONDENTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
INITIAL PREHEARING EXCHANGE**

**Respondents.**

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Mr. Erik H. Olson (C-14J)  
Associate Regional Counsel  
Attorney for Complainant  
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77 West Jackson Boulevard  
Chicago, IL 60604

NOW COME the Respondents One Management, Inc., L & J Investment, Inc., and One Management Investment Group, Detroit, Michigan, by and through their attorneys, Fraser Trebilcock Davis & Dunlap, P.C., and pursuant to 40 C.F.R. §22.7(b) and 40 C.F.R. §22.16(a) and hereby restates its prior request and moves for an extension of time within which to file the Respondents' Initial Prehearing Exchange as follows:

1. In their May 22, 2009 Response to the Complainant's Motion ("Response"), the terms and contents of which are expressly adopted and incorporated herein, the Respondents stated, among other things, that they have previously provided to

the Complainant a substantial number of documents and other information which support the Respondents' inability to pay defense. Further, the Respondents have endeavored to cooperate with the Complainant in good faith in response to the Complainant's prior subpoena and other request for information. The Respondents also requested an extension to June 26, 2009 to file the Initial Prehearing Exchange (Response, ¶B, pp. 3-4).

2. As demonstrated by the Respondents' previously produced information, the Respondents are in dire financial circumstances. The Respondents have conferred with separate legal counsel with knowledge and experience in bankruptcy matters and have given consideration as to whether to file a petition in the United States Bankruptcy Court. Although as of the present date such a petition has not yet been filed, the Respondents' financial difficulties have precluded the Respondents and their attorneys from previously participating in the prior prehearing exchange.
3. Further, as stated in the Response to the Complainant's motion, a member of the Watha family has recently sustained a serious and lengthy illness which required Mr. and Mrs. Watha to devote their attention to matters other than the instant administrative proceeding.
4. In light of the above matters as well as those stated in the Respondents' Response, the Respondents have shown good cause for an extension of time within which to file their Initial Prehearing Exchange. Further, the Complainant has not been prejudiced by the present filing of the Initial Prehearing Exchange because the Complainant previously has received all of the documents identified in the Respondents' Initial Prehearing Exchange and because all of the witnesses whose names appear therein also appear in the documents previously provided well in advance of the Initial Prehearing Exchange date.
  - a. The initial Prehearing Exchange Date was April 3, 2009;
  - b. The Respondents provided their Exhibits 1-2 to an Assistant United States Attorney formerly involved in this matter on or about October 20, 2004.<sup>1</sup>
  - c. The Respondents provided the Complainant with the Respondents' Exhibits 3-13 on or about December 8, 2008.<sup>2</sup>
  - d. The Respondents provided the Complainant with the Respondents' Exhibits 14-28 on or about March 10, 2009.<sup>3</sup>

<sup>1</sup> Respondents' Initial Prehearing Exchange, p. 6, fn. 4.

<sup>2</sup> Respondents' Initial Prehearing Exchange, p. 6, fn. 6.

<sup>3</sup> Respondents' Initial Prehearing Exchange, p. 7, fn. 17.

- e. The Respondents provided the Complainant with the Respondents' Exhibits 29-32 on or about October 13, 2008.<sup>4</sup>
  - f. The Respondents provided the Complainant with the Respondents' Exhibit 33 on or about December 18, 2007.<sup>5</sup>
  - g. The Respondents provided the Complainant with the Respondents' Exhibits 35 and 36 on or about August 12, 2008.<sup>6</sup>
5. Further, in a good faith effort to address the Complainant's "inability to pay" witness's opinions regarding her need to obtain and analyze additional business records, the Respondents and their attorney will participate in a telephone conference with the Complainant's attorney and the Complainant's witness, Ms. Gail Coad, on June 9, 2009. During this conference the Respondent will reiterate its commitment to cooperate with the Complainant during the discovery phase of this proceeding and will endeavor to respond to Ms. Coad's inquiries about the existence (if any) and availability of additional business records which may be relevant to the Respondent's inability to pay/inability to continue to remain in business defenses.
6. Previously the Complainant, through its counsel, said that when filing a motion for an extension of time within which to file the Respondents' Initial Prehearing Exchange, the Respondents may represent that: "Complainant takes no position regarding Respondents' motion, and defers to the Court's sound judgment." On May 29, 2009, the Complainant reiterated the fact that it takes no position on the Respondents' request for an extension of time to file the Prehearing Exchange (Complainant's Reply to Respondents' Response to Complainant's motion, p. 1).

WHEREFORE, as previously requested in their Response, ¶B, pp. 3-4, the Respondents respectfully request that the Presiding Officer grant the Respondents a reasonable extension of time within which the Respondents may make their Initial Prehearing Exchange and accept the same for filing.

FRASER  
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<sup>4</sup> Respondents' Initial Prehearing Exchange, p. 8, fn. 32.

<sup>5</sup> Respondents' Initial Prehearing Exchange, p. 9, fn. 36.

<sup>6</sup> Respondents' Initial Prehearing Exchange, p. 9, fn. 37.

Respectfully submitted,

**FRASER TREBILCOCK DAVIS & DUNLAP, P.C.**  
Attorneys for Respondents

Dated: June 5, 2009

By: 

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