



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
LHP, LLC,) Docket No. TSCA-07-2014-0029
)
Respondent.)

**ORDER ON RESPONDENT'S EMERGENCY MOTION
TO CONTINUE THE HEARING DATE**

On March 18, 2016, at approximately 3:22 p.m. (EST), Respondent filed an Emergency Motion to Continue the Hearing Date ("Emergency Motion"). In its Emergency Motion, Respondent states that William Delaney, self-identified as lead trial counsel, suffered an injury on March 15, 2016, and is unable to proceed with the hearing as scheduled. Respondent further states that "Mr. Delaney was scheduled to be trial counsel and Ms. Rote has a conflict," associated with a real estate closing the week of the hearing. Respondent, in its Emergency Motion, asserts that there "will be neither harm nor prejudice to any party by continuing the trial." Respondent, however, has not identified whether Complainant has any objections to its Emergency Motion.

Notably, outside of this Emergency Motion, Mr. Delaney has not previously been identified as counsel of record for Respondent. Rather, Cynthia Rote has been identified as counsel for Respondent, submitting all other prehearing filings in this proceeding.¹ Further, on December 29, 2015,² the parties were on notice that the hearing in this matter was scheduled to commence on March 22, 2016. Thus, the alleged scheduling conflict of Ms. Rote, advanced by Respondent at this late hour, is not compelling. Moreover, at this juncture, further postponement of the evidentiary hearing in this matter would cause undue delay of the proceedings in

¹ See Respondent's Answer, Respondent's Initial Prehearing Exchange, Respondent's Motion for Summary Judgment, Respondent's Unopposed Motion for Extension of Time, Respondent's Motion for Subpoena, Respondent's Motion in Limine, Respondent's Motion to Supplement Prehearing Exchange, Joint Set of Stipulated Facts, Exhibits, and Testimony, and Respondent's Pretrial brief.

² See Order on Respondent's Unopposed Motion for Extension of Time (postponing the hearing originally scheduled to begin on February 2, 2016).

contravention of 40 C.F.R § 22.4(c).³ Accordingly, Respondent's Emergency Motion is **DENIED**.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: March 18, 2016
Washington, D.C.

³ This proceeding is governed by the rules stated in 40 C.F.R. Part 22.

In the Matter of *LHP, LLC*, Respondent.
Docket No. TSCA-07-2014-0029

Certificate of Service

I hereby certify that copies of this **Order on Respondent's Emergency Motion to Continue the Hearing Date**, issued by Christine Donelian Coughlin, Administrative Law Judge, on this 18th day of March 2016, were sent to the following in the manner indicated.



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March 18, 2016
Washington, D.C.