

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
MARDAPH II, LLC,)
MARDAPH III, LLC and) Docket No. TSCA-05-2008-0019
VINNIE WILSON,)
)
Respondents.)

ORDER GRANTING SECOND EXTENSION OF TIME

By Order dated December 10, 2009, Respondents were granted a 60 day extension of time, until February 10, 2010, to file their prehearing exchange. On February 9, 2010 Respondents, appearing *pro se*, submitted a Motion for an Additional Extension of Time, seeking sixty (60) more days to file their prehearing exchange.¹

Attached to the Motion for an Additional Extension was Respondents' February 4, 2010 Request for Appointment following up upon their prior two Document Requests directed to the Cincinnati Metropolitan Housing Authority, Section 8 Division (CMHA). Respondents indicate in the instant Motion that they have thrice unsuccessfully requested that CMHA allow them to inspect and copy certain relevant documents. Respondents represent that these records are relevant to the "defense claim of contributory negligence and lack of knowledge" and submission of the name of their expert witness and documents in their Prehearing Exchange. To date, no response to the Motion has been received from Complainant, but none is deemed required.

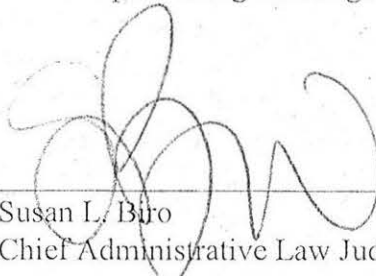
Section 22.7(b) of the Rules of Practice (40 C.F.R. § 22.7(b)) provides that the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.

Good cause exists for giving Respondent some additional time to submit its Prehearing Exchange, but a second sixty day extension is unacceptably lengthy under these circumstances. The Rules permit Respondents to supplement their initially filed Prehearing Exchange if additional relevant information and/or records subsequently become available to them.² See, 40

¹ The corporate Respondents are not represented in this proceeding by counsel but by the individually named Respondent, Vinnie Wilson.

² Frequently, documents become available to the parties after the filing of the initial Prehearing Exchanges as a result of this Tribunal, issuing at a party's request, a subpoena to an

C.F.R. § 22.19(f). Accordingly, the Respondents' instant Motion is hereby **GRANTED**, in part, and Respondents are hereby **ORDERED** to file their prehearing exchange on or before March 16, 2010, and Complainant shall file its rebuttal prehearing exchange on or before March 30, 2010.



Susan L. Biro
Chief Administrative Law Judge

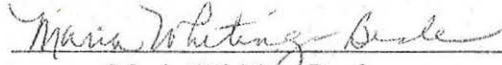
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opposing or third-party requiring their attendance and testimony as a witness and/or the production of documents, answers to questions, or other information. *See*, 15 U.S.C. § 2601(c).

In the Matter of Mardaph II, LLC, Mardaph III, LLC & Vinnie Wilson, Respondents
Docket No. TSCA-05-2008-0019

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Second Extension Of Time To**, dated February 16, 2010, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: February 16, 2010

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 60605-3590

Copy By Pouch Mail To:

Peter Felitti, Esquire
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Copy By Regular Mail To:

Vinnie Wilson
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