

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Geason Enterprises, L.L.C., GE Ventures, )  
L.P., Hammerhead Off-Road, Inc., TJ )  
Power Sports L.L.C., Shanghai Howhit )  
Machinery Manufacture Co., Ltd., and )  
Shanghai Tong Jian Sports Equipment )  
Co., Ltd. )  
Respondents. )

Docket No. CAA-HQ-2013-8050

MOTION FOR DEFAULT

Comes now the United States Environmental Protection Agency (Complainant), and files this motion for default against Shanghai Tong Jian Sports Equipment Co., Ltd., pursuant to Rule 22.17(a), and (b) of the Consolidated Rules of Practice (40 C.F.R. § 22.17(a), and (b)), and as grounds therefore states as follows:

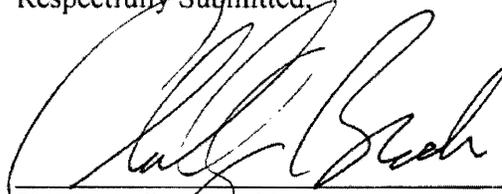
1. On July 30, 2013, Complainant filed its complaint (Docket No. CAA-HQ-2013-8050) with the Office of Administrative Law Judges (OALJ) by hand delivery and initiated service of process on Respondents via certified mail.
2. Under 40 C.F.R. § 22.15(a), if Respondents contend or contest any material fact upon which the complaint is based, Respondents must file a written answer to the complaint within 30 days after service of the complaint; 5 additional days are allowed if a document is served by first class mail pursuant to 40 C.F.R. § 22.7(c). Based on these rules, an answer to the complaint was due by September 4, 2013.
3. On August 26, 2013, counsel for Respondents Geason Enterprises, L.L.C., GE Ventures, L.P., Hammerhead Off-Road, Inc., and TJ Power Sports L.L.C., filed a Motion for Extension of Time to Answer Complaint and Request Hearing with the Environmental Appeals Board (EAB) and served this motion on Complainant in lieu of an answer, pursuant to 40 C.F.R. § 22.7(b). Complainant did not oppose the motion.
4. On August 30, 2013, counsel for respondent Shanghai Howhit Machinery Manufacture Co., Ltd., filed a Motion for Extension of Time to Answer Complaint and Request Hearing with the EAB and served this motion on Complainant in lieu of an answer, pursuant to 40 C.F.R. § 22.7(b). Complainant did not oppose the motion.

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5. Respondent Shanghai Tong Jian Sports Equipment Co., Ltd. has failed to file a timely answer (or other motion) and thus is in default.
6. Based on the foregoing, Complainant respectfully requests an order of default be issued against Respondent Shanghai Tong Jian Sports Equipment Co., Ltd.
7. Complainant is currently not seeking the assessment of a penalty against Respondent Shanghai Tong Jian Sports Equipment Co., Ltd., pending the resolution of this administrative penalty action against all Respondents.

Respectfully Submitted,



Phillip A. Brooks, Director  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance

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11/6/2013  
Date

10/25/13  
Date



Meetu Kaul, Attorney Adviser  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance

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L.P., Hammerhead Off-Road, Inc., TJ )  
Power Sports L.L.C., Shanghai Howhit )  
Machinery Manufacture Co., Ltd., and ) Docket No. CAA-HQ-2013-8050  
Shanghai Tong Jian Sports Equipment )  
Co., Ltd. )  
)  
Respondents. )

CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Default, dated November 6, 2013, was sent this day in the following manner to the addresses listed below:

Original by Hand Delivery to:

U.S. Environmental Protection Agency  
Office of the Hearing Clerk  
Office of Administrative Law Judges  
Ronald Reagan Building, Rm. M1200  
1300 Pennsylvania Ave., NW  
Washington, DC 20460

Copy, by Certified Mail, Return Receipt Requested to:

Jason B. Hutt  
Bracewell & Giuliani LLP  
2000 K St. N.W. Suite 500  
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Ronald Tenpas  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. N.W.  
Washington, DC 20004

November 6, 2013  
Date

  
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Meetu Kaul, Attorney Adviser  
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