BEFORE THE
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:	:	
	:	
John P. Vidiksis	:	
225 DeVilla Court	:	
Fayetteville, GA 30214	:	**U.S. EPA Docket No. TSCA-03-2005-0266**
	:	
	:	
	:	
	:	

RESPONDENT'S NOTICE OF APPEAL AND MOTIONS

Keith A. Onsdorff, Esquire
225 Windsor Avenue
Haddonfield, NJ 08033

Attorney Pro Bono for Respondent

November 12, 2007

NOTICE OF APPEAL AND MOTION FOR REMAND,
OR IN THE ALTERNATIVE,
AN EXTENSION OF TIME TO FILE APPELLATE BRIEF

Respondent Mr. John P. Vidiksis, of 225 DeVilla Court, Fayetteville, Georgia, hereby files his Notice of Appeal from the Initial Decision issued by the Administrative Law Judge, William Moran, on October 10, 2007, which was served upon his former legal counsel, Reed Smith L.L.P. Respondent requests oral argument on this appeal.

In particular, Respondent appeals from the factual findings and conclusions of law set forth in Judge Moran's Initial Decision, as follows:

> (1) For even Counts 8 - 60 of the Complaint (other than Count 10), the determination that Respondent's lease content violated 40 CFR Section 113 (b)(2);
>
> (2) For odd Counts 1 - 59 of the Complaint, the determination that Respondent's lease form content violated 40 CFR Section 113 (b)(1);
>
> (3) Were any violations established by a preponderance of the evidence, the proper application of the TSCA Statutory penalty provision mandates a di minimus penalty only.

Additionally, Respondent hereby moves the Environmental Appeals Board to remand this Contested Case to the Presiding Officer for the proper certification of the Record in this matter, or in the alternative, for an extension of 60 days from November 16, 2007 to file his appellate brief on the merits.

Complainant has neither concurred nor denied its concurrence on these motions, as attempted contacts by telephone commencing on the day that the

Respondent directed counsel to seek this relief, Saturday, November 10th, precluded such consultations during normal business hours, including on Monday, November 12th, the Veteran's Day holiday. Completion and filing of these motions on Monday, November 12th was further dictated by a long standing commitment requiring counsel to be in North Carolina to give a speech from Tuesday, November 13th through Thursday, November 15th.

Date: November 12, 2007

By: _____
Keith A. Onsdorff, Esq.
Pro Bono Counsel for Respondent
John P. Vidiksis

Counsel contact information:
225 Windsor Avenue
Haddonfield, N.J. 08033

Phone (& fax):
(856) 428 - 3553

BEFORE THE
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:	:	
	:	
John P. Vidiksis	:	
225 DeVilla Court	:	
Fayetteville, GA 30214	:	**Docket No. TSCA-03-2005-0266**
	:	
	:	
	:	
	:	

RESPONDENT'S BRIEF
in
SUPPORT of APPELLATE MOTIONS

November 12, 2007

Keith A. Onsdorff, Esquire
225 Windsor Avenue
Haddonfield, New Jersey 08033
Attorney for Respondent

Statement of the Case

Due to the current posture of this contested case record, a remand for further proceedings before the Administrative Law Judge Moran is necessary to ensure the preservation of Respondent's due process rights. After the September 2006 trial concluded, the Complainant filed two "motions"; one to correct purported errors in the trial transcript, and a second "sham motion" to strike from the record portions of Respondent's post-trial response brief.

Complainant's so-called Motion to Strike was a blatant and intentional disregarding of the EPA's Consolidated Rules of Practice, 40 C.F.R. Part 22, as it indisputably constituted a Sur-Reply Brief responding to and attacking the arguments presented in Respondent's post-trial response brief. Not satisfied with having filed two post-trial very lengthy and argumentative briefs, Complainant unilaterally filed a third post-trial brief served upon counsel for Respondent on December 15, 2006.

As Complainant's filing of its *de-facto* Sur-Reply Brief was unauthorized, Respondent was not afforded under the Consolidated Rules, the right to file a Sur-Reply Brief responding to the arguments advanced in either Complainant's post-trial response brief or in their unauthorized Sur-Reply Brief. See, 40 C.F.R. Section 22.26.

In lieu of undertaking such an unauthorized filing, Respondent sent a concise letter to Judge Moran on December 26, 2006, which, in pertinent part, reads as follows:

> ...Of course, the Consolidated Rules of Practice do not allow for Post-trial Sur-Reply Briefs, and Complainant's unilateral action in doing so without leave of the Court egregiously continues the pattern of abuse of process by Complainant to the severe financial detriment of Mr. John Vidiksis.
>
> Accordingly, in order to mitigate Mr. Vidiksis' damages, Respondent will limit this response to a brief statement as to why Your Honor should not accept into the record, nor consider, Complainant's *de-facto* Post-trial Sur-Reply Brief at this time. Should Your Honor deem this motion to be properly filed, Respondent will then request leave of the Court to file a substantive Sur-Reply Brief as well.
>
> * * *
>
> In conclusion, therefore, as Respondent did not offer a copy of the affidavit of Ms. Leanna Beam to establish the truth of the statements contained therein, but exclusively to establish that Complainant knew of the content of her affidavit since June of 2006, this frivolous "Motion to Strike" should be peremptorily rejected without Respondent being put to the burden of a costly further response thereto. (Copy of 12/26/06 letter attached at Tab A.)

Nonetheless, despite the Respondent's formal plea to be afforded equal access to the Court in making its pre-adjudication arguments, the Presiding Officer (to the best of Respondent's knowledge) did not respond to either the Complainant's purported Motion to Strike or to the Respondent's letter of December 26, 2006.

Accordingly, at this point in time, the contents of the actual Case Record is undetermined and undeterminable by the Environmental Appeals Board, unless and until responses to the following questions are obtained:

- Did Administrative Law Judge Moran consider the matters presented in the Complainant's purported Motion to Strike?

- Did the Presiding Officer include the contents of this *de-facto* Sur-Reply Brief into the Case Record without affording the Respondent any opportunity to file his own Sur-Reply Brief?

These due process concerns are not insubstantial technical oversights by the Presiding Officer. They are made even more egregious, in light of the case record as set forth hereinbelow. Complainant consistently conducted its prosecution of this matter in a manner calculated to undermine the ability of the Respondent to obtain an expeditious, fair and efficient adjudication of the controversy at hand. The following are two egregious examples, which amply demonstrate the Complainant's abuses of the Consolidated Rules of Practice:

> (1) Complainant filed a frivolous "Motion for Discovery or in the Alternative Motion in Limine", seeking information regarding the Respondent's finances, notwithstanding the fact that Respondent had long since withdrawn any Inability to Pay" defense. (Copy of Respondent's Opposition attached at Tab B). While this motion was denied, Respondent was compelled to expend time, effort and a not inconsequential portion of his dwindling defense budget needlessly at a crucial period of time shortly before the commencement of trial.

> (2) Complainant concurrently refused to delete from its trial exhibits, privileged and confidential settlement communications, presented in a highly prejudicial and intentionally misleading manner, thus compelling Respondent to engage in expensive and time-consuming motion practice. Complainant persisted in offering this egregiously prejudicial and privileged material at the trial, at which point the Presiding Officer finally ruled that these misleading settlement negotiations communications would be expunged from the record and redacted from the Complainant's

Exhibit 86. (See, Tr.Vol. II; pages 176 - 179; copy of relevant pages attached at Tab C)

This pattern of blatant disregard for the Consolidated Rules of Practice (40 C.F.R. Section 22.22 explicitly prohibits evidence of settlement communications subject to the Federal Rules of Evidence, Rule 408) has significantly prejudiced the ability of the Respondent to defend himself against the Complainant's allegations of TSCA violations on their purported merits.

In light of the Complainant's pattern of violations of the Consolidated Rules of Practice, it is necessary to ascertain whether the Presiding Officer rejected Complainant's improper Sur-Reply Brief or whether he did, indeed, consider the arguments contained therein. This certification is crucial to the arguments of reversible error Respondent will pursue, either before the Environmental Appeals Board, or in judicial review.

Accordingly, Respondent hereby requests that this Initial Decision be remanded for proper certification of the record, to wit:

(1) A ruling on Complainant's Motion to correct purported errors in the trial transcript; and

(2) A ruling on Respondent's Opposition to the consideration of Complainant's unauthorized Sur-Reply Brief.

ARGUMENT

THIS CONTESTED CASE SHOULD BE REMANDED TO THE PRESIDING OFFICER BECAUSE THE RECORD HAS NOT BEEN PROPERLY CERTIFIED

The Complainant's consistent pattern of frivolous motion practice, and the proffer of privileged communications for inclusion into the trial record, as admissible evidence imposed substantial and unjust transaction costs, as well as dissipating limited pre-trial time and scarce resources that Respondent needed to devote entirely to preparing for the adjudication of the purported merits of this Contested Case.

A remand of this matter is therefore necessary to establish the full extent of the intentionally imposed prejudice to Respondent caused by Complainant's violations of the Consolidated Rules of Practice.

Moreover, due process intrinsically requires that the Environmental Appeals Board be apprised definitively as to the full content of the trial record to be examined and adjudicated upon appeal. It is an axiomatic principle of due process that the appellate review of trial proceedings entail absolute certainty as to the trial record, including the production of an accurate transcript of the trial testimony, as well as what filed motions were accepted into the record, reviewed and/or ruled upon by the Presiding Officer.

While Respondent's counsel has changed (now twice) in the post trial period, Respondent has not been informed that either of the Complainant's two post trial motions were ever ruled upon by the Presiding Officer. That lack of certainty as to what matters were considered by ALJ Moran, and if considered what if any portions of the Initial Decision were, or were not, impacted by such consideration denies the Respondent potentially crucial information upon which he may well base a entire discrete argument of reversible error when this Contested Case is adjudicated on its merits.

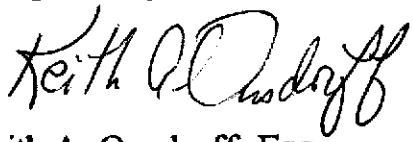
Alternatively, Respondent has had retained Pro Bono appellate counsel only since November 2, 2007. As the Initial Decision is very lengthy (33 pages), and was in preparation by the Presiding Officer for more than thirteen months, it would be inconsistent with the princples of fundament fairness for the Respondent/Appellant to be required to review, evaluate for reversible error and complete his preparation and filing of a brief on these identified issues in but fourteen days.

CONCLUSION

This matter should be remanded for certification of the trial record because currently the matters to be adjudicated on appeal are undeterminable by the Environmental Appeals Board. Alternatively, in order to allow the

Respondent/Appellant to prepare his brief on the merits of this appeal, and as there is no prejudice to the Complainat in affording Respondent due process pursuant to principles of fundamental fairness, the Environmental Appeals Board should issue an Order extending the deadline for the filing of Respondent's brief for an additional 60 days from November 16, 2007.

Respectfully submitted,



Keith A. Onsdorff, Esq
Pro Bono Counsel
For Respondent

Exhibit A

Reed Smith LLP
Princeton Forrestal Village
136 Main Street - Suite 250
Princeton, NJ 08540-7839
609.987.0050
Fax 609.951.0824

Keith A. Onsdorff
Direct Phone: 609.520.6027
Email: konsdorff@reedsmith.com

Via Federal Express Overnight Delivery 12/26/06

November 9, 2007

Honorable William B. Moran
Administrative Law Judge
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1900L
Washington, DC 20460

RE: In the Matter of John P. Vidiksis, Respondent
Docket No. TSCA-03-2005-0266

Dear Judge Moran:

Please accept this letter as Respondent's Opposition to the Complainant's frivolous "Motion to Strike," received in this office on December 15, 2006, in the above-referenced matter. Complainant, in a transparent ruse, has couched its de facto Sur-Reply brief as a motion merely to respond to arguments proffered by Respondent in his Reply Brief filed on or about December 4, 2006. Of course, the Consolidated Rules of Practice do not allow for Post-trial Sur-Reply briefs, and Complainant's unilateral action in doing so without leave of Court egregiously continues the pattern of abuse of process by Complainant to the severe financial detriment of Mr. John Vidiksis.

Accordingly, in order to mitigate Mr. Vidiksis' damages, Respondent will limit this response to a brief statement as to why Your Honor should not accept into the record, nor consider, Complainant's de facto Post-trial Sur-Reply brief at this time. Should Your Honor deem this motion to be properly filed, Respondent will then request leave of the Court to file a substantive Sur-Reply brief as well.

Complainant's "Motion to Strike" seeks to have deleted from Respondent's Reply brief "... the affidavit of Leanna Beam. The affidavit, as well as any reference thereto in Respondent's Reply brief should be stricken from the record as such us untimely, irrelevant or unduly repetitious and lacks good cause." (Complainant's Motion, p.1, lines 8-10). The reason this "Motion" is blatantly frivolous is that Respondent has **NOT** offered the Beam affidavit into evidence, nor was it included in his Reply brief to establish the truth of the facts as set forth therein.

Complainant's initial post-trial brief disingenuously castigated Respondent for his purported "unwillingness" to offer the testimony of Ms. Beam at trial to support his defense of full compliance, superior to the minimum compliance demanded by Complainant. Accordingly, as all the facts contained in Ms. Beam's affidavit, previously served upon Complainant on or about June 23, 2006, were elicited into evidence during the cross-examination of Mr. Gallo, its proffer in this Reply brief was exclusively

for the limited purpose of rebutting Complainant's false representation that during this three-day trial, he had promised to offer an exculpatory witness, but had failed to do so. It is indisputably proper to have submitted to Your Honor a copy of the Beam affidavit which, when the original was filed in support of Respondent's Motion for Partial Dismissal, became a part of the record in this litigation.

For that reason alone, Complainant's "Motion to Strike" is nonsensical. It appears that the only "real relief" that Complainant had sought by this motion was to strike from the record the COPY of the Beam affidavit filed as an attachment to Respondent's Post-Trial Reply brief. As Complainant has not (nor can it do so rationally) sought to expunge from the record the original Beam affidavit, Respondent is entirely within its rights to reference the contents of this document for the sole purpose of correcting the post-trial brief misrepresentations of Complainant.

In conclusion, therefore, as Respondent did not offer a copy of the affidavit of Ms. Leanna Beam to establish the truth of the statements contained therein, but exclusively to establish that Complainant knew of the content of her affidavit since June of 2006, this frivolous "Motion to Strike" should be peremptorily rejected without Respondent being put to the burden of a costly further response thereto.

Respectfully submitted,

/s/

KEITH A. ONSDORFF

Enclosure – Certificate of Service
c Donzetta W. Thomas, Esq.
Mr. John P. Vidiksis
KAO/amd

Exhibit B

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:	:
JOHN P. VIDIKSIS and	:Docket No: TSCA-03-2005-0266
KATHLEEN E. VIDIKSIS	:
	:
RESPONDENTS	:

RESPONDENT, JOHN VIDIKSIS'
REPLY TO COMPLAINANT'S MOTION FOR DISCOVERY
OR IN THE ALTERNATIVE MOTION IN LIMINE

July __, 2006

Keith A. Onsdorff, Esq.
Reed Smith LLP
Princeton Forrestal Village
136 Main Street
Suite 250
Princeton, New Jersey 08540
609-520-6027

STATEMENT OF UNDISPUTED FACTS

By Motion dated June 22, 2006, Complainant has initiated motion practice which is burdensome, needless, and expensive, as the relief sought has already been fully accented to by Respondent, John P. Vidiksis. In its In Limine motion, the Region seeks discovery on, or in the alternative, an Order barring the Respondent from offering evidence at trial on his already abandoned and withdrawn "Ability to Pay" Defenses.

By letter dated June 1, 2006, Respondent waived his Ability to Pay defenses informing opposing counsel that:

> "...as Respondent's informed view of his penalty exposure is perceived to be de minimis, he hereby withdraws his Inability to Pay Defenses, so that the Complainant can eliminate the need to proffer any financial proofs relevant to the now moot issue, no longer in dispute between the parties hereto. I look forward to continuing to work cooperatively...to limit all burdensome and irrelevant trial proceedings. Please call me to discuss these matters further at your earliest convenience". (See Attachment Four to Complainant's Motion for Discovery).

Complainant's response to Mr. Vidiksis June 1, 2006 letter waiving his right to interpose an Inability to Pay Defense was the June 22, 2006 motion seeking discovery or sanctions on a completely moot issue. In its brief in support of its Motion, Complainant states that it found Respondent's June 1, 2006 waiver to be unsatisfactory or otherwise not sufficiently clear

to achieve closure. Of course, Complainant had three weeks time to consult with opposing counsel regarding its purported concerns as to clarity or finality, but did not endeavor to obviate the substantial burden it has needlessly imposed on the Court and Respondent by this frivolous motion practice.

Still hoping to avoid the expense and diversion of time and attention from the pending dispositive motions, counsel wrote to Complainant on June 28, 2006, seeking concurrence on the parties' joint submission of a Order on Consent memorializing the Waiver of the Ability to Pay Defenses by Mr. Vidiksis. (See Respondent's June 28, 2006 letter; attached as Exhibit One). As of today, no response from the Region has been received, agreeing (or not) to submit an appropriate Order to the Court memorializing Respondent's waiver and withdrawal of his Affirmative Defenses Five and Six.

CONCLUSION

Accordingly, without Complainant's concurrence, Mr. Vidiksis hereby submits a proposed Order, which upon execution by the Court will memorialize his withdrawal and waiver of his Ability to Pay defenses (Proposed Order attached as Exhibit Two).

July __, 2006 Respectfully submitted,

Exhibit C

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

- - -

IN THE MATTER OF: Volume 2

JOHN P. Vidiksis Docket No. TSCA-03-2005-0266

- - -

The above-entitled cause came on for hearing at the Irvis Office Building, Commonwealth Avenue and Walnut Avenue, 5th Floor, Court Room #2, Harrisburg, Pennsylvania, 17120, on Monday, September 26, at 9:30 a.m., before William B. Moran, United States Administrative Law Judge.

ORIGINAL

descriptions of violations and the associated penalty for the violations based on the, our enforcement response policy.

Q. Does this appear to be a complete and accurate copy of your penalty calculation that was performed?

A. Yes, it does.

MS. THOMAS: Your Honor, at this time I'm gonna enter into the record, Complainant Exhibit 86.

MR. ONSDORFF: Your Honor, I object.

JUDGE MORAN: Material.

MR. ONSDORFF: Material on page 9 EPA 1071 of which is privileged and confidential settlement negotiation discussions and is not appropriate for evidence in regards to any matter for Your Honor. We had a motion in Limine asking that that material be redacted and not contained in this document, and they refused and they're trying to enter this document with a statement in her discussions during settlement negotiations between the --

JUDGE MORAN: Which page, Mr. Onsdorff?

MR. ONSDORFF: It's page 1071 Bates

Number 1071, last three times, actually a discussion commences on 1070 supplemental environmental projects, and continues down the top of page 1071.

JUDGE MORAN: And but your objection is, if I understand it -- You talk about settlement, it says --

MR. ONSDORFF: Supplemental Environmental Project. The recommended type of set for these cases is a lead hazard risk reduction. The project typically involves window replacements, such projects can result in a dollar-for-dollar reduction in base penalty. Respondent was told about the availability for this type of penalty reduction but he was not interested in it. Number 1, I've argued that that's a false statement and I don't want to litigate that issue, but since it's not admissible evidence, since it was an exchange that occurred in settlement in ADR, it ought not to be part of the record.

JUDGE MORAN: Okay. Let me hear from Ms. Thomas on that.

MS. THOMAS: Your Honor, expressed to my attention I believe that you ruled on this issue in regards to a motion in Limine by the Respondent. I don't recall exactly what that --

I don't remember when I ruled on it to be honest.

MS. THOMAS: I think he mentioned it was a non-issue that --

JUDGE MORAN: I have my rules with me, but refresh my recollection, do you remember me ruling on it?

MR. ONSDORFF: Yes, Your Honor. You said that you would not consider anything which was confidential and privileged settlement exchanges.

JUDGE MORAN: Well, of course, okay.

MR. ONSDORFF: And you're not gonna consider it I don't want it to be in the record.

JUDGE MORAN: Here's my question though for Ms. Thomas. Through this witness, is there anything in the penalty policy that talks about in the computation of a penalty one of the factors is whether a Respondent agrees to a SEP?

MS. THOMAS: Yes, Your Honor. Under -- In the settlement context under the penalty policy you can look at a SEP to help mitigate the penalty. The Enforcement Response Policy does mention SEPS as an adjustment factor as a consideration for penalty mitigation, so it's something EPA does consider. However this considered at the settlement time it's

not applicable and we're in litigation, 'cause we don't order Respondents to do SEPS, but we do look at it in the settlement context only.

JUDGE MORAN: Okay. Then I agree with Mr. Onsdorff based on your representation that the SEP references, beginning on the bottom of page 8, and it's only C, Mr. Onsdorff, right?

MR. ONSDORFF: That's correct, Your Honor.

JUDGE MORAN: Okay. C will have to be redacted. Thank you. Thank God they have you here. Thank you.

MR. ONSDORFF: If we can go off the record for a moment?

JUDGE MORAN: Yes.

(Off the record by Mr. Onsdorff)

JUDGE MORAN: We're on the record.

Q. Okay. Before the break we were talking about Complainant Exhibit 86, and I believe Ms. Beale was making some redactions.

JUDGE MORAN: Yes, and I'm glad you mentioned that, because while you were out of the room Ms. Beale has provided me -- Ms. Beale being the EPA aide in this case, has provided me with redacted pages, EPA Bates Number 1070, 1071, and the

Certification of Pro Bono Counsel

Keith A. Onsdorff, as Pro Bono Counsel for Respondent, herein certifies and affirms that:

1. As an employee of the law firm Reed Smith, L.L.P., I represented the Respondent, Mr. John Vidiksis, at the September 2006 trial conducted by the Presiding Officer, William Moran, in this Contested Case.

2. Upon my departure from this employment on February 1, 2007, I became the General Counsel for a small manufacturing company, Liquid Fence, Inc., located in Brodheadsville, Pennsylvania. Accordingly, Reed Smith filed with the Region III Hearing Clerk, the appropriate substitution of counsel, noting my withdrawal from the representation of Mr. Vidiksis.

3. Nonetheless, on an unknown date in mid-October of 2007, the Presiding Officer's Initial Decision was mailed to me at my previous employer's Princeton, New Jersey offices. Upon its receipt and reading, discussions were initiated among myself, Mr. Vidiksis, and Reed Smith attorneys Mr. Louis Naugle, the Environmental Group Practice Leader and resident partner in Reed Smith's Pittsburgh, Pa. office, and Mr. Thomas Burns, who had acted as co-counsel for the representation of Mr. Vidiksis.

4. Without waiving any privileged communications between Mr. Vidiksis and his prior attorneys at Reed Smith, the outcome of those discussions was the withdrawal of Reed Smith as Respondent's appellate counsel. Thereafter, on November 2, 2007, I agreed to represent Mr. Vidiksis before the EPA's Environmental Appeals Board on a Pro Bono basis.

5. While I do not know the date of service of the mis-addressed Initial Decision by Judge Moran, Reed Smith has informed me that it believes that the Respondent's Notice of Appeal and brief on the merits of his appeal must be filed by no later than November 16, 2007.

6. Due to the constraints of time, as well as my status as Pro Bono Counsel, filing a Motion for Reconsideration by the Presiding Officer was not a viable option; nor, due to this very recent re-substitution of counsel, has the Respondent been afforded a sufficient period of time to prepare his appellate

brief on the purported merits of the Complainant's case. Accordingly, Respondent has directed me to file a Motion for Remand, or in the alternative, for an additional 60 days to file his brief on the merits of this appeal.

November 12, 2007
Date

Keith A. Onsdorff, Esq.

BEFORE THE
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:	:	
	:	
John P. Vidiksis	:	
225 DeVilla Court	:	
Fayetteville, GA 30214	:	**Docket No. TSCA-03-2005-0266**
	:	
	:	
	:	
	:	

ORDER

Good Cause having been shown, it is hereby ORDERED that this Contested Case is remanded to the Presiding Officer for his certification of the trial transcript and post-trial motions and briefs considered in making his Initial Decision.

_____ _____

Date for the Environmental Appeals Board

BEFORE THE
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:	:	
	:	
John P. Vidiksis	:	
225 DeVilla Court	:	
Fayetteville, GA 30214	:	**U.S. EPA Docket No. TSCA-03-2005-0266**
	:	
	:	
	:	
	:	

ORDER

Good Cause having been shown, it is hereby ORDERED that the Respondent/Appellant shall file and serve his brief on the merits in this Contested Case by 60 days from November 16, 2007.

Date

for the Environmental Appeals Board

CERTIFICATE OF SERVICE

Respondent's counsel hereby certifies that the original (and five copies) of this Notice of Appeal, Motions and supporting brief on behalf of Respondent has been filed with the Presiding Officer and the Clerk of the Environmental Appeals Board as follows:

Administrative Law Judge William B.Moran
U.S. E.P.A.
ARIEL RIOS BUILDING
1200 Pa. Avenue, N. W.
Mail Code 1900
Washington, D.C. 20460
(Copy only via regular mail)

Clerk of the Environmental Appeals Board
Suite 600
1341 G Street, N.W.
Washington, D.C. 20005
(Original and 5 copies via UPS delivery)

Copies of this Notice of Appeal, Motions and supporting brief have been served upon the Regional Hearing Clerk and counsel for the Complainant as follows:

Lydia Guy
Regional Hearing Clerk
U.S. EPA - Region III
1650 Arch Street

Philadelphia, PA 19103

Donzetta W. Thomas, Esq.
Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103

Russell S. Swan, Esq.
Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103

(All Region III recipients served via UPS delivery service.)

Dated: November 12, 2007

By: 

Keith A. Onsdorff, Esq.