

230 Kings Highway East
Haddonfield, NJ 08033
856.428.4400 Tel
856.428.4080 Fax

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ENVIR. APPEALS BOARD



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To: January 16, 2008 Fax #: (202) 233 - 0621
 Date: Clerk, E. A. B. # of Pages (including cover sheet): 5
 From: Keith A. ONSDORFF Phone #: (856) 428-3553
 Subject: Appeal No. TSCA 07-02 Inre Vidiksis

*This is a courtesy copy of Appellants
 Response to Complainant's Motion for
 Extension of Time. Original filed
 via UPS next day delivery service
 for delivery to your office, tomorrow,
 January 17, 2008.*

KAO.

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ENVIR. 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**

**Appeal No. TSCA 07-02
Docket No. TSCA-03-2005-0266**

**APPELLANT'S RESPONSE TO COMPLAINANT'S MOTION
FOR EXTENSION OF TIME**

January 16, 2008

Keith A. Onsdorff, Esquire
225 Windsor Avenue
Haddonfield, New Jersey 08033
Counsel for Appellant


Absent the consistent pattern of abusive litigation tactics by Complainant, Appellant would simply have ignored the latest repetition of this objectionable and highly prejudicial conduct. Accordingly, while yet again having to expend limited resources to correct the Record in this matter, Appellant is compelled to do so.

First, the United Parcel Service office in Haddonfield, New Jersey, has confirmed delivery of Appellant's brief to the Region III Philadelphia office on Friday, January 4, 2008, at 11:55 a.m. (Copy of UPS Shipping record attached.) In Complainant's motion, counsel stated that the Region had not received Appellant's brief until Tuesday, January 8, 2008.

Secondly, counsel for Appellant returned the voice mail message left by the Complainant's co-counsel, Mr. Russell Swan, the same afternoon the message was left, i.e. January 15, 2008. In that telephone conversation, Mr. Swan stated that my concurrence on the requested extension until March 13, 2008 would be included in the filing by the Complainant, seeking that additional time to file its brief. Nonetheless, Complainant omitted this concurrence by Appellant from its moving papers.

Accordingly, the additional disparaging mis-representations by Complainant on the appellate issues presented for adjudication likewise should be disregarded by the Environmental Appeals Board, along with the two false statements detailed hereinabove.

Respectfully submitted


Keith Onsdorff, Esq.
Counsel for Appellant

January 16, 2007

Shipment Details

THE UPS STORE #4157
230 East Kings Highway
Haddonfield, NJ 08033
(856) 428-4400

MMVT26U91C7ZU

Print Date: Wed 16 Jan 2008
Shipper No.: R1895V
Rate Type: Retail
Currency: USD
Weight: lbs
Dimensions: in

Shipment Information

Sender	Recipient	Shipping Information	
KEITH ONSDORFF 225 WINDSOR AVE Haddonfield, NJ 08033 Tel: (856) 428-3553 Residential KONSDORFF@REEDSMITH.COM	US EPA REGION III DONZETTA W THOMAS 1650 ARCH ST PHILADELPHIA, PA 19103-2029 Business	Ship Date: Thu 3 Jan 2008 Delivery Date: Fri 04 Jan 2008 EOD (Expected) Service / Zone: UPS Ground Com / 2 Shipment Info: 1 Package .82 lbs Actual / 1 lbs Billed (total weight)	Description: DOCS

Shipment Service Options	Billing	Drop-Off Location	Shipment Charges
E-mail Shipment Notification KONSDORFF@REEDSMITH.COM	Company Account(Prepaid)	THE UPS STORE #4157 230 East Kings Highway Haddonfield, NJ 08033 US	UPS Ground Com 6.13 E-mail Shipment Notification .00 Fuel Surcharge .38 Total Shipment Charges: \$ 6.51

Tracking Information**Tracking Information****Last Scan**

Status: DELIVERED 1/4/2008 11:55:00 AM DELIVERED PHILADELPHIA, PA US
Delivery Date: Fri Jan 4 2008 11:55AM (Actual)
Carrier Trk#: 1ZR1895V0328697865
Shipment ID: MMVT26U91C7ZU
Ort/Item#: 21963814
Ref#:
Signed By: WILLIAEMS
Location: MAIL ROOM

Package Details

# Package Tracking Information	Package Information	Package Charges
1 Status: DELIVERED Delivery Date: Fri Jan 4 2008 11:55AM (Actual) Tracking # 1ZR1895V0328697865 Package ID MMVT26U91C7ZU PkgRef1: 21963814 PkgRef2: -- Signed By: Location: Last Scan: 1/4/2008 11:55:00 AM DELIVERED PH	Package Info: Other Packaging: 13 x 10 x 2 .82 lbs Actual / 1 lbs Billed Rectangular (Box/Env/Pack) Options: E-mail Shipment Notification KONSDORFF@REEDSMITH.COM	UPS Ground Com 6.13 E-mail Shipment Notification .00 Fuel Surcharge .38 Package #1 Total: \$ 6.51

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ENVIR. APPEALS BOARD

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In the Matter of:

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January 16, 2008

**Keith A. Onsdorff, Esquire
225 Windsor Avenue
Haddonfield, New Jersey 08033
Counsel for Appellant**

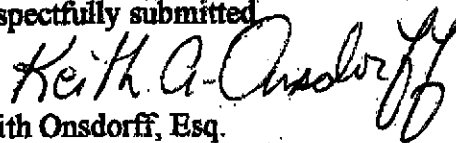
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Accordingly, the additional disparaging mis-representations by Complainant on the appellate issues presented for adjudication likewise should be disregarded by the Environmental Appeals Board, along with the two false statements detailed hereinabove.

Respectfully submitted



Keith Onsdorff, Esq.
Counsel for Appellant

January 16, 2007

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E-mail Shipment Notification KONSDORFF@REEDSMITH.COM	Company Account(Prepaid)	THE UPS STORE #4157 230 East Kings Highway Haddonfield, NJ 08033 US	UPS Ground Com	6.13
			E-mail Shipment Notification	.00
			Fuel Surcharge	.38
			Total Shipment Charges:	\$ 6.51

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Package Details

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1 Status: DELIVERED Delivery Date: Fri Jan 4 2008 11:55AM (Actual) Tracking # 1ZR1895V0328697865 Package ID MMVT26U91C7ZU PkgRef1: 21963814 PkgRef2: - Signed By: Location: Last Scan: 1/4/2008 11:55:00 AM DELIVERED PH	Package Info: Other Packaging: 13 x 10 x 2 .82 lbs Actual / 1 lbs Billed Rectangular (Box/Env/Pack) Options: E-mail Shipment Notification KONSDORFF@REEDSMITH.COM	UPS Ground Com 6.13 E-mail Shipment Notification .00 Fuel Surcharge .38 Package #1 Total: \$ 6.51

CERTIFICATE OF SERVICE

Appellant's counsel hereby certifies that the original (and five copies) of this Response to the Complainant's Motion for an Extension of Time on behalf of Appellant has been filed with the Clerk of the Environmental Appeals Board as follows:

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

Copies of this Response have been served upon the counsel for the Complainant, (and the Regional Hearing Clerk) as follows:

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 overnight delivery service.)

Dated: January 16, 2008

By: 

Keith A. Onsdorff, Esq.