

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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MAR 23 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:)

WISCONSIN PLATING WORKS)
OF RACINE, INC.,)

Respondent)

) Docket No. CAA-05-2008-0037

ORDER GRANTING MOTION TO RESCHEDULE HEARING

On March 10, 2009, an Order Scheduling Hearing was issued, setting the hearing in this matter to commence on June 2, 2009. On March 12, 2009,¹ Complainant filed a Motion to Reschedule Hearing, requesting that the hearing commence after June 9, 2009, on the basis that Complainant's counsel, expert witness and fact witness have prior commitments the week of June 2. The Motion lists dates in June for which Complainant's counsel and witnesses are available.

On March 16, 2009, Respondent filed a Response to the Motion, stating that Respondent's attorneys are unavailable on the dates proposed by Complainant, and requesting that the hearing be rescheduled to a date on or after July 6, 2009. On March 18, Complainant filed a Reply to the Response, requesting that the hearing commence either the week of July 20 or July 27, 2009, and stating that Complainant's expert witness is available only during those weeks.

The parties having arrived at a mutually agreeable date for the hearing, the Motion to Reschedule the Hearing is hereby **GRANTED**, and the hearing and prehearing procedures are rescheduled as set forth below.

The parties are directed to hold a settlement conference on or before **April 24, 2009** and attempt to reach an amicable resolution of this matter. The Complainant shall file a status report regarding such conference and the status of settlement on or before **May 1, 2009**.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. In connection therewith, on or before **May 22, 2009**, the parties shall file a Joint Set of Stipulated facts, Exhibits and Testimony. The time allotted for hearing is limited. Therefore, the parties must make a good

¹ The Motion was not received by the Office of Administrative Law Judges until March 19, 2009. Complainant is advised to ensure that all documents served on the Presiding Judge are mailed by "Pouch Mail" (written on the envelope) and, if time-sensitive, by facsimile.

faith effort to stipulate, as much as possible, to matters which cannot reasonably be contested so the hearing can be concise and focused solely on those matters which can only be resolved after a hearing.

Any pre-hearing motions, such as motions to amend and motions in limine, must be filed on or before **June 5, 2009**.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is Friday **July 3, 2009**. A copy of the briefs should be *received* by the undersigned by that date. The briefs should specifically state the issues to be presented at hearing as to liability and penalty, and as to each such issue, indicate which witnesses and exhibits will address it.

The hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, July 21, 2009, in Chicago, Illinois, continuing if necessary on July 22-24, 2009. The Regional Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the undersigned as soon as possible so that appropriate arrangements can be made.

THE RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN DEFAULT JUDGMENT BEING ENTERED AGAINST IT.

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.



Susan L. Biro
Chief Administrative Law Judge

Dated: March 20, 2009
Washington, D.C.

In the Matter of Wisconsin Plating Works of Racine, Inc., Respondent
Docket No. CAA-05-2008-0037

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Reschedule Hearing**, dated March 20, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: March 20, 2009

Original And One Copy By Pouch Mail To:

Tywanna Greene
Acting Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-13J
Chicago, IL 60604-3590

Copy By Pouch Mail To:

Padmavati Bending, Esquire
Office of Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy By Regular Mail To:

Christopher T. Nowotarski, Esquire
Stone Pogrund & Korey LLC
1 East Wacker Drive, Suite 2610
Chicago, IL 60601

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