

TO: THE OFFICE OF  
CLERK E-131 U.S.  
EPA REGION(S)  
77 WEST JACKSON  
BOULEVARD,  
CHICAGO, ILLINOIS  
60604.

RE: DOCKET NO.  
TSCA-05-2008-  
0019.

DATE 2/20/09

RECEIVED  
FEB 27 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

GENTLEMEN,

UPON RECEIPT OF THE ENCLOSED  
PACKAGE, YOU WILL FIND TWO (2) COPIES  
OF AN ENTITLED MOTION FOR AN ORDER SETTING  
ASIDE A DEFAULT JUDGMENT, AND/OR A REQUEST  
FOR AN EVIDENTIARY DEFAULT HEARING.

ALSO, ACCOMPANYING SAID MOTION,  
AN ATTACHMENT OF SELF SUPPORTIVE SWORN  
AFFIDAVIT STATEMENTS, ATTESTED DOCUMENTARY  
PROOF OF EVIDENCE, MARKED AS AN APPENDIX  
EXHIBITS, IN SUPPORT OF THE SWORN AFFIDAVIT  
AND MADE A PART OF THE SAID MOTION, WHICH  
CLEARLY SHOW CAUSE FOR A HEARING, AND TO  
SET ASIDE A DEFAULT JUDGMENT.

COPIES OF EACH ARE FOREWARDED TO-  
GETHER WERE SENT TO ALL OF E.P.A. U.S.  
OFFICIALS AT THEIR OFFICE ANNEX LOCATION.

PLEASE, FILE STAMP, TIME, DATE,  
OF THE MOTION, AND AFFIDAVIT OF VIVIE B.  
WILSON, AND RETURN A COPY TO THE SAID  
RESPONDENT/MAJANT FOR HER PERSONAL RECORDS

UNTIL SOMETHING HAPPENS, I WISH TO THANK  
YOU VERY MUCH FOR YOUR CONSIDERATION,  
TIME, AND FULL COOPERATION CONCERNING THIS  
MATTER, IN ADVANCE. THUS FAR, I SHALL REMAIN,  
HOPING TO HEAR SOMETHING REALS AND.

RESPECTFULLY YOURS  
VIVIE B. WILSON  
P.O. BOX 317 639  
CHICAGO, ILL.

IN THE UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY REGION 5  
CHICAGO - ILLINOIS

IN THE MATTER OF;

DOCKET CASE NUMBER

VINNIE B. WILSON  
POST OFFICE BOX #317639  
CINCINNATI, OHIO 45231

T.S. CA 05-2008-0019

RESPONDENTS,

RECEIVED

FEB 27 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY.

"MOTION FOR AN ORDER, SETTING ASIDE,"  
A MOTION FOR DEFAULT JUDGMENT AND/OR  
IN THE ALTERNATIVE, MOTION FOR AN  
EVIDENTIARY DEFAULT HEARING BEFORE  
AN OFFICIAL HEARING BOARD PANEL

NOW COMES THE SAID UNDER  
SIGNED RESPONDENT VINNIE B. WILSON,  
ACTING HEREIN PRO SE CAPACITY, AND WHO  
HEREBY RESPECTFULLY MOVES FOR AN  
ORDER OF ENTRY, GRANTING RESPONDENT'S  
MOTION, SETTING ASIDE (U.S. EPA)  
ENTITLED MOTION FOR A DEFAULT JUDGMENT  
AGAINST RESPONDENT VINNIE B. WILSON  
IN THE SUM AMOUNT OF \$91,000 IN ASSESS  
OF CIVIL PENALTIES IN THE ABOVE STYLED  
CASE NUMBER.

RESPONDENT VINNIE B. WILSON,  
ATTACHES HEREWITH, A SELF SUPPORTIVE  
SWORN AFFIDAVIT OF STATEMENTS, CONT-  
AINING

SUFFICIENT OPERATIVE FACTS, AND ATTESTED DOCUMENTARY PROOF OF EVIDENCES; MARKED AS AN APPENDIX EXHIBITS, ACCOMPANYING RESPONDENT'S SWORN AFFIDAVIT OF STATEMENTS, IN SUPPORT OF THE SAID MOTION FOR SETTING ASIDE A DEFAULT JUDGMENTS AND/OR GRANTING AN EVIDENTIARY HEARING BEFORE THE OFFICIAL HEARING PANEL ACCORDING TO THE ADMINISTRATION OF LAW.

WHEREFORE, FOR THE FOREGOING SUBSTANTIAL REASONS, AND THE CIRCUMSTANCES INVOLVED, THE SAID UNDERSIGNED RESPECTFULLY REQUEST THE CHIEF HEARING OFFICIAL IN CHARGE, TO GRANT ANY FURTHER RELIEF ITS SEEMS JUST, PROPER, NECESSARY, AND MOST APPROPRIATED, FOR WHICH SAID RESPONDENT FOREVER PRAY" ACCORDINGLY.

RESPECTFULLY SUBMITTED

Vinnie B. Wilson

VINNIE B. WILSON

POST OFFICE BOX # 317639

CINCINNATI, OHIO 45231

RESPONDENT / IN-PROG

IN THE UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY REGION 5  
CHICAGO - ILLINOIS

IN THE MATTER OF  
WINNIE B. WILSON  
RESPONDENT

DOCKET CASE NUMBER  
TSA CA-05-2008-0019

STATE OF OHIO  
HAMILTON COUNTY

DEFAULT JUDGMENT  
PROCEEDINGS

SS:

RECEIVED  
FEB 27 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

AFFIDAVIT STATEMENTS

I, WINNIE B. WILSON, THE SAID  
UNDERSIGNED AFFIANT BEING FIRST SWORN  
AND CAUTIONED ACCORDING TO THE LAW,  
DEPOSES AND STATES, THAT;

1. AFFIANT IS COMPETENT TO GIVE  
TESTIMONY TO THESE STATEMENTS CONTAINED  
IN THE MATTERS PERTAINING TO THIS SAID  
MENTIONED AFFIDAVIT AT A HEARING AND/OR  
TRIAL.

2. AFFIANT IS THE RESPONDENT  
NAMED IN THE ABOVE CITED CASE NUMBER  
TSA CA 05 2008-0019.

3. AFFIANT'S MAILING OFFICIAL ADDRESS LOCATION, PLACE OF BUSINESS IS C/O - VINNIE B. WILSON, POST OFFICE BOX NUMBER 317639, CINCINNATI, OHIO 45231.

4. AFFIANT'S FORMAL RESIDENTIAL TENANT AT THE PROPERTY ADDRESS KNOWN AS 2636 FENTON AVENUE CINCINNATI, OHIO 45211 FILED A COMPLAINT SUIT AGAINST HER FOR \$25,000<sup>00</sup> DOLLARS, WITH THE HAMILTON COUNTY COURT OF COMMON PLEAS, CASE NUMBER A0805279, ON JUNE 2<sup>ND</sup> 2008. SEE APP. EXH. (B)

5. AFFIANT RESPECTFULLY STATES THAT THE COMPLAINT FILED BY THE SAID FORMAL TENANT ALLEGED ON THE DATE OF DECEMBER 6<sup>TH</sup> 2006, THAT A MINOR CHILD WAS DIAGNOSED WITH LEAD POISONING, AS A RESULT OF THE DANGEROUS LEAD BASED PAINT CONDITIONS AT THE SAID PREMISES, LOCATED AT 2636 FENTON AVENUE CINCINNATI, OHIO 45211

6. AFFIANT FURTHER STATES THAT NOTICE WAS PROVIDED TO THE AFFIANT ON THE DATE OF ~~JUNE~~ 18<sup>TH</sup> 2007, BY THE CITY OF CINCINNATI DEPARTMENT OF HEALTH AUTHORITY'S, ORDER TO CONTROL LEAD HAZARDS IN THE PROPERTY.

7. AFFIANT HAS BEEN duly SERVED WITH A COPY OF INTENT TO FILE AN ADMINISTRATIVE ACTIONS ON APRIL 14<sup>th</sup> 2007. NOTWITHSTANDING, AFFIANT'S STATUTORY AGENT (JEFFREY J. GREENBERGER) AWAITED EXACTLY SIXTEEN (16) MONTHS, AND THEREAFTER, ON AUGUST 20, 2008, CERTIFYING HIS RESIGNATION, AND THAT THE LAW FIRM OF KATZ, GREENBERGER AND NORTON WERE NOT INTERESTED IN ASSISTING SAID AFFIANT WITH THIS MATTER. (EPA). COMPLAINT. SEE: ATTESTED APP. EXHIBIT (D) LETTER JEFFREY J. GREENBERGER

8. AFFIANT STATES THAT SHE ~~IS~~ A LAYMAN AT LAW, UNSKILLED, LACKS THE TRAINING, EXPERIENCE, AND KNOWLEDGE TO DEFEND, AND LOSTED WITHOUT THE GUIDING HAND OF COMPETENT REPRESENTATION OF COUNSEL WHILE AFFIANT'S MENTAL ABILITY ~~FUNCTIONING WAS STILL IMPAIRED~~ AND INCAPABLE TO FILE A RESPONSIVE ANSWER.

9. AFFIANT STATES THAT ON THE DATE OF OCTOBER 10<sup>th</sup> 2008, SHE HAS BEEN "DIAGNOSED FOR ANXIETY AND DYSTHYMIA, AND UNDER MEDICATION BY DR. JOSEPH P. HAZEN M.D. SEE: ATTEST APPENDIX EXHIBIT, IN SUPPORT OF THE SAID AFFIDAVIT STATEMENT, WHICH AFFIANT WAS NOT SUFFICIENTLY COMPETENT TO ANSWER THE TREAT OF MULTIPLE LITIGATION AND CIVIL LIABILITIES BY THE U.S. (E.P.A) WITHOUT ASSISTENCE OF COMPETENT ATTORNEYS - SEE: ALSO APP. (C)

10. AFFIANT RESPECTFULLY STATES THAT THE COMPLAINT AGAINST RESPONDENT VANNIE B WILSON FAILS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED, WHERE SAID COMPLAINT WAS NOT VERIFIED BY THE REQUIRED AFFIDAVIT OF VERIFICATION OF PROOF TO VERIFY THE COMPLAINT REQUIREMENTS, ACCORDINGLY, SHOULD BE DISMISSED AGAINST SAID RESPONDENT.

11. AFFIANT STATES THAT, MOREOVER, THE SAID COMPLAINT DID NOT ACCRUE AND/OR FILED WITHIN ONE (1) YEAR NEXT AFTER NOTICE OF INTENT TO FILE AN ADMINISTRATIVE ACTION WAS TAKEN 4/14/07, BEFORE THE COMMENCEMENT OF THIS INAPPLICABLE, COMPLAINT ACTION BY THE PESTICIDES AND TOXICS COMPLIANCE SECTION U.S. E.P.A. REGION (5) 77 WEST JACKSON, BOULEVARD CHICAGO, ILLINOIS 60604 FILED ON AUGUST 4<sup>TH</sup> 2008. TSCA-05-2008-0019./ AND/OR 7-31<sup>TH</sup> 2008.

(12) AFFIANT RESPECTFULLY STATES THAT U.S. (E P A), EACH AND EVERY PARTIES COMPLAINT SUIT PROCEEDING TO ASSESS A CIVIL PENALTIES SHOULD BE DISCOURAGE SUITS OF ADMINISTRATIVE OFFICIALS WHO HAVE NO VERIFIED SUBSTANTIAL REASONS TO BELIEVE THAT THE SAID ACCUSATIONS ARE TRUE, SHOULD ALWAYS BE REQUIRED TO EXECUTE A VERIFICATION,

AS VERIFIED BY THE COMPLAINANT UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FILED AN ADMINISTRATIVE (COMPLAINT) AGAINST THE RESPONDENT'S ALLEGING (47) VIOLATIONS OF THE TOXIC SUBSTANCES CONTROL ACT (T.S.C.A.) CAN NOT STAND ACCORDINGLY,

13. AFFIANT RESPECTFULLY CONTENDS, THAT SHE WAS MISLEAD BY THE CINCINNATI METROPOLITAN HOUSING AUTHORITY'S, SECTION (8) DIVISION, WHO HAD ALWAYS APPROVED AND CONDUCTED ALL OF THE RENTAL INSPECTIONS BEFORE A TENANT AND CO-DEPENDENTS MADE A COMPLETE RENTAL APPLICATION, WHICH THE SAID AFFIANT HAD NO IDEA WHO THE E.P.A. REPRESENTED AFTER TENANT TALITHA L. DURNAL FILED A CIVIL COMPLAINT IN THE HAMILTON COUNTY, COURT OF COMMON PLEAS CASE NUMBER A-0805279, ON JUNE 2<sup>ND</sup> 2008, BEYOND THE STATUTORY LIMITATION HAD EXPIRED ON DECEMBER 6<sup>TH</sup> 2007.

14. AFFIANT STATES THAT U.S. (EPA) COMPLAINANT'S FILED A MOTION FOR A DEFAULT JUDGMENT ON THE DATE OF JANUARY 22<sup>ND</sup> 2009, AGAINST AFFIANT FOR FAILURE TO PLEAD OR OTHERWISE TO DEFEND WITHOUT ASSISTING FROM THE STATUTORY AGENT'S LAW FIRM. SEE: ATTESTED APPENDIX EXHIBIT (B)



15. AFFIANT RESPECTFULLY REPRESENTS ALL OF SWORN STATEMENTS, AND OPERATIVE FACTS, DOCUMENTARY APPENDIX EXHIBITS IN SUPPORT OF SAID MOTION FOR AN ORDER, SETTING ASIDE A DEFAULT JUDGMENT AND/OR REQUEST FOR A HEARING IN GOOD FAITH BASED UPON SUFFICIENT GROUNDS OF EXCUSABLE NEGLIGENCE TO HANDLE (HER) LEGAL AFFAIRS DURING AFFIANT'S INCAPACITY UNDER MEDICATION PRESCRIBED BY THE FAMILY GROUP M.D. PHYSICIAN.

16) AFFIANT RESPECTFULLY SUBMITS THAT ON THE DATE 01/19/2009 - 01/23/09 AFFIANT VINNIE B. WILSON HAS SUCCESSFULLY COMPLETED THE APPROVED LEAD TRAINING COURSE FOR CONTRACTOR AND HAS PASSED THE REQUIRED EXAMINATION IN THAT DISCIPLINE) A COLORABLE CLAIM OF MITIGATION CIRCUMSTANCES. SEE: ATTESTED APPENDIX EXHIBITS (E) IN SUPPORT OF THIS SWORN AFFIDAVIT STATEMENT. CLASS: 415 SOUTH COOPER AVENUE CINCINNATI, OHIO 45215. (LEAD CONSORTIUM).

17. AFFIANT SUBMITS A SWORN OF (HER) FINANCIAL STATEMENTS WHICH AFFIANT NEGLECTED TO TIMELY DISCLOSE TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

WHEREFORE, FOR THE FOREGOING SUBSTANTIAL REASONS INVOLVED WITHIN AFFIANT SWORN AFFIDAVIT STATEMENTS, RESPONDENT, VINNIE B. WILSON, PRAY THAT THE U.S. E.P.A. ISSUE AN ORDER OF ENTRY, GRANTING RESPONDENT AFFIANT/ MOUAWTS MOTION TO SET-ASIDE A DEFAULT JUDGMENT FOR THE FOLLOWING REASONS, IN THAT RELIEF OF,

(A) AN EVIDENTIARY HEARING AND A SUBPOENA OF WITNESSES TO FULLY REPRESENT BEFORE THE U.S. E.P.A. PANEL BOARD MEMBER AN OPPORTUNITY TO BE HEARD IN PERSON.

(B) AFFIANT HAS STATED A CLAIM OF RELIEF BASED UPON EXCUSABLE NEGLECT GROUNDS ~~OF~~ SELF SUPPORTIVE OPERATIVE FACTS, AND DOCUMENTARY PROOF OF EVIDENCE TO WARRANT AN EVIDENTIARY HEARING.

(C) MOTION TO SET-ASIDE A DEFAULT JUDGMENT WAS FILED ON TIMELY MATTERS, WITH U.S. E.P.A) ADMINISTRATIVE ACTION REMEDY. UNDERSTONED AFFIANT FURTHER SAYETH NAUGHT;

X V. B.  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC, IN MY PRESENCE ON THIS 20<sup>TH</sup> DAY OF February 2009.

Mary R. Childers  
NOTARY PUBLIC:  
MARY R. CHILDERS

APPENDIX-EXHIBITS

- (A) RENTAL APPLICATION OF TABITHA DORNAL.
- (B.) HAMILTON COUNTY COURT OF COMMON PLEAS DOCKET INQUIRY CASE ACTION NO. A-0805279
- (C.) LETTER FROM DR. JOSEPH HAZEN M.D.
- (D.) LETTER OF RESIGNATURE BY THE STATUTORY AGENT JATTORNEY, JEFFREY GREENBERGER.
- (E) U.S. INDIVIDUAL INCOME RETURN 2007
- (F.) CERTIFICATE OF VINNIE B. WILSON'S LEAD CONSORTIUM CERTIFYING COMPLETION OF TRAINING AND TEST EXAMINATION REQUIREMENTS

x Vinnie B. Wilson  
VINNIE B. WILSON  
POST OFFICE BOX #317639  
CINCINNATI, OHIO  
45231