

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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EPA--REGION 10

In the matter of )  
 ) docket no. cwa 10-2010-0132  
David D'Amato )  
 Respondent )  
vs. )  
 )  
EPA )

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MOTION TO DEPOSE HEATHER DEAN

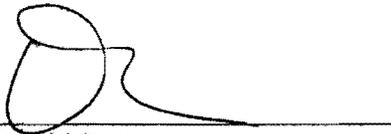
Comes now respondent David D'Amato and requests that the court allow Respondent to depose Heather Dean, EPA for the following reasons.

1. Ms. Dean is the EPA's main witness, her observations and conclusions are the basis of the entire EPA complaint.
2. Some if not of all of her conclusions involve the specific application of a scientific method or regulatory methodology. Her methods and the type of methods applied are currently unknown to Respondent.
3. Responses to her choice, use and interpretation of the methods employed would be impossible to rebut in a one-chance-hearing setting.
4. Deprivation of this basic right to confront one witness would result in a wholesale frustration of the rule of law and undermines the basic principles of due process.
5. Respondent is currently liable to a fine of over \$200,000.00 dollars. Ms. Dean has no chance for economic or property loss.
6. Responding to questions of this type are consistent with the regular exercise of her position.

7. The allowance of this deposition would not harm in any way the case or position of the EPA.

8. Denial of this deposition would render the outcome of this case a foregone conclusion from the point of view of the respondent.

By:

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, horizontal stroke that extends to the right.

David D'Amato.