

**U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS**

Received by  
EPA Region 7  
Hearing Clerk

**BEFORE THE ADMINISTRATOR**

<b>In the Matter of:</b>	)	
	)	
THE ASKINS DEVELOPMENT	)	<b>Docket No.</b> TSCA-07-2019-0280
GROUP, LLC,	)	
	)	
<u>Respondent.</u>	)	

**COMPLAINANT’S THIRD STATUS REPORT**

Complainant, pursuant to the Regional Judicial Officer’s Scheduling Order dated November 16, 2021, submits the following Third Status Report to the Court.

1. On November 16, 2021, the Regional Judicial Officer issued a Scheduling Order requiring the following, in relevant part:
  - a. By December 13, 2021, to the extent it had not already done so, Complainant shall provide to Respondent a complete list of documents, information, and questions necessary to conduct an ability to pay analysis;
  - b. By February 11, 2022, Respondent shall have submitted all documents, information, and responses to Complainant, including complete responses to Complainant’s questions set forth in the June 25, 2021 and October 29, 2021 emails, in support of an inability to pay claim if Respondent intends to make such a claim for purposes of settlement; and
  - c. By February 25, 2022, Complainant and Respondent shall confer and jointly file a status report. The status report shall include a date by which the Agency anticipates making a determination on any ability to pay claim.
  
2. As required by the Court’s Scheduling Order, on December 13, 2021, counsel for Complainant sent an email to Respondent’s counsel identifying the documents, information, and questions/responses necessary for Complainant to conduct the ability to pay analysis.

3. To date, neither Respondent's counsel, nor Respondent has provided any response to counsel for Complainant's December 13, 2021 email, nor any of the remaining documents, information, and responses sought therein.

4. On February 9, 2022, Respondent's counsel file a Notice of Withdrawal of Attorney on Behalf of Respondent.

5. On February 16, 2022, Complainant's counsel emailed Respondent's (withdrawn) counsel seeking Respondent's latest address and phone number. Later that day, Respondent's (withdrawn) counsel and provided only the last known address for Respondent.

6. On February 18, 2022, Complainant's counsel sent a letter to Respondent at the address provided by Respondent's (withdrawn) counsel, to Respondent's registered agent (as identified on the website for the Missouri Secretary of State), and to an alternate address for Respondent (also identified on the website for the Missouri Secretary of State).<sup>1</sup> The letter included a copy of the scheduling order and implored Respondent (or Respondent's legal representative) to contact Complainant's counsel to confer and arrange to jointly file a status report by February 25, 2022, per the Court's Scheduling Order.

7. As of the date of this filing, neither Respondent nor any legal representative of Respondent has responded to, nor provided any of the information sought, in Complainant's counsel's December 13, 2021 email. Further, neither Respondent nor any legal representative of Respondent has contacted Complainant's counsel to confer and file a joint status report, as ordered by the Court. As such, to comply with the Court's Scheduling Order, Complainant necessarily files this Third Status Report unilaterally.

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<sup>1</sup> <https://bsd.sos.mo.gov/BusinessEntity/BusinessEntityDetail.aspx?page=beSearch&ID=1958748> (last accessed on February 24, 2022)

8. As stated in the parties' Joint Status Report filed on November 12, 2021, Complainant has been trying to assess Respondent's ability to pay in this matter since November 30, 2018. *See* Joint Status Report, at para. 8.

9. Without the further information sought by Complainant on December 13, 2021 (and before) regarding Respondent's financial condition, Complainant remains unable to properly evaluate Respondent's ability to pay the penalty sought.

Respectfully submitted,

Dated: February 25, 2022

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Britt Bieri  
Assistant Regional Counsel  
U.S. Environmental Protection Agency,  
Region 7  
Attorney for Complainant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that an exact copy of the foregoing pleading was sent electronically on February 25, 2022 to the following:

Amy Gonzales  
Regional Hearing Clerk  
R7\_Hearing\_Clerk\_Filings@epa.gov

And by U.S. Mail to the following:

Orlando Askins c/o  
National Registered Agents, Inc.  
Registered Agent for The Askins Development Group, LLC  
120 S. Central Avenue, Suite 400  
Clayton, Missouri 63105

Orlando Askins  
5753-G Santa Ana Canyon Road # 602  
Anaheim Hills, CA  
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The Askins Development Group, LLC  
300-B East High Street  
Jefferson City, Missouri  
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Attorney for Complainant