

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:** ) Docket No. CAA-05-2008-0037  
)  
**Wisconsin Plating Works of Racine, Inc.** ) Proceeding to Assess a Civil  
**Racine, Wisconsin** ) Penalty Under Section 113(d) of  
) the Clean Air Act, 42 U.S.C. §  
) 7413(d)  
**Respondent.** )  
\_\_\_\_\_ )

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MAR 16 2009

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PROTECTION AGENCY

**RESPONSE TO MOTION TO RESCHEDULE HEARING**

Respondent, by and through its undersigned attorney, responds to Complainant's Motion to Reschedule Hearing date of this matter, and in support thereof, states as follows:

1. On March 10, 2009, Administrative Law Judge Susan L. Biro issued an Order Scheduling Hearing in this matter, which set a hearing in Chicago, Illinois, beginning on Tuesday, June 2, 2009 and continuing, if necessary, on June 3-5, 2009.

2. Respondent, its witnesses, and its attorneys are available for the hearing in Chicago, Illinois on June 2, 2009 and continuing, if necessary, on June 3-5, 2009.

3. The March 10, 2009 Order requests that a party unable to attend the hearing as scheduled for good cause shall notify Judge Biro as soon as possible.

4. Complainant's March 12, 2009 Motion to Reschedule Hearing seeks to reschedule the hearing of this matter from June 2, 2009 to one of the following dates: June 9-11, June 16-19, June 22-26 or June 29-30.

5. Respondent's attorneys are unavailable on the dates proposed by Complainant, as Christopher T. Nowotarski will be in California attending to another client's matter from June 18, 2009 through June 23, 2009, and Stuart M. Sheldon will be conducting a federal jury trial in H:\SMS\Wisconsin Plating\Response to Motion to Reschedule Hearing.doc

Chicago the week of June 15, 2009, and will be preparing for such trial the weeks of June 1, 2009 and June 8, 2009.

6. Respondent's attorneys are available for hearing, however, any time after July 6, 2009.

Respondent hereby respectfully requests that this court enter an Order rescheduling the hearing in this matter to a date on or after July 6, 2009.

Respectfully submitted,

Wisconsin Plating Works of Racine, Inc.

By:   
One of its attorneys

Christopher T. Nowotarski  
Stuart M. Sheldon  
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CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK  
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PROTECTION AGENCY

I hereby certify that today I caused to be filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-13J), Chicago, Illinois, 60604-3590, the original document entitled Response to Motion to Reschedule Hearing for this civil administrative action, and that I issued to the Court and Complainant's Counsel by first class mail a copy of the original document:

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

Padmavati G. Bending  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (C-14J)  
Chicago, Illinois 60604-3590

  
Stuart M. Sheldon 3-16-09  
Dated

Christopher T. Nowotarski  
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