

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

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HEARING CLERK

IN THE MATTER OF

Mr. Gene A. Wilson
101 Madison Street
P. O. Box 702
Louisa, KY 41230

Docket No. SDWA-04-2005-1016

Respondent

SUPPLEMENTAL MOTION TO REQUIRE COMPLAINANT TO FILE FIRST

Comes the Respondent by Supplemental Motion and states as follows:

(1) Upon receiving the Court's Order holding Respondent's Motion For Summary Judgment in abeyance as premature, Respondent notified Mr. Lynn Dangerfield, Custodian of E.P.A. Records that he wanted to view the entire file pursuant to the "Freedom of Information Act" (FOIA) on Thursday, October 19th and Friday, October 20, 2006.

(2) On Tuesday, October 17th, Mr. Dangerfield called stating Ms. Zylpha Pryor had been on vacation and that I could not see the files until after Ms. Pryor viewed them first; therefore, it was doubtful I could see the files as requested. Respondent advised accommodations had already been made at the Marriott in Atlanta but would wait until Friday, October 20th, to give Ms. Pryor more time to view my filed before I had the same opportunity.

(3) After checking with Ms. Pryor, Mr. Dangerfield call stating I could see my

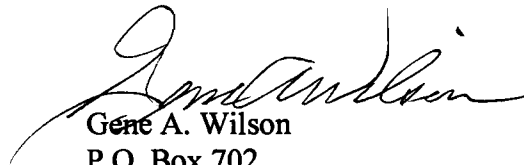
files on Friday, October 20, 2006.

(4) On Friday, October 20th, Respondent viewed his files with Mr. Dangerfield present. The file was not complete. Everything Respondent considered his defense had been removed or could not be located by Mr. Dangerfield. A further search was requested with a request for copies to be made on some documents presented.

(5) As of this Motion Mr. Dangerfield has not brought Respondent up to date on his further research, or advised what documents Ms. Pryor does not want him to see as her work product.

Wherefore Respondent does not understand why Complainant can re-review Respondents file before he has the opportunity of viewing and also objects to filing first the requested information in the Hon. Susan B. Schub's Order of September 29, 2006. Nothing requested is in the Complaint as alleged in Complainant's "Response To Respondents Motion To Require Complainant To File First" received in today's mail. The question of fair play is always an issue.

Respectfully Submitted



Gene A. Wilson
P.O. Box 702
Louisa, KY 41230

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date noted below, the Motion To Require Complainant To File First was mailed as follows: the original to the Regional Hearing Clerk and one (1) copy each to Hon. Susan B. Schub, Regional Judicial Officer, Hon. Zylpha Pryor and Mr. Nicholas N. Owens, National Ombudsman in the manner specified on the date below:

Ms. Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

(Via Certified Mail - Return Receipt Requested)

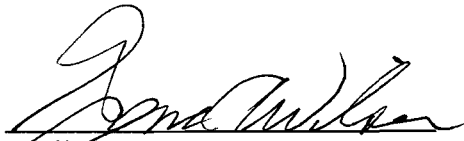
Hon. Susan B. Schub
Regional Judicial Officer
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

(Via Certified Mail - Return Receipt Requested)

Ms. Zylpha Pryor
Associate Regional Counsel
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

Mr. Nicholas N. Owens
National Ombudsman
U.S. Small Business Administration
409 3rd Street, SW
MC 2120
Washington, DC 20416-0005

Dated: Oct. 30, 2006


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