



RE: Prehearing Exchange: CWA-06-2011-2709 - Stevenson & Parkwood Land Co.

Chuck Kibler to: Russell Murdock
Cc: Barbara Aldridge, Lorena Vaughn, Patrick Rankin

10/31/2012 05:22 PM

From: "Chuck Kibler" <chuck@kiblerlaw.com>
To: Russell Murdock/R6/USEPA/US@EPA
Cc: Barbara Aldridge/R6/USEPA/US@EPA, Lorena Vaughn/R6/USEPA/US@EPA, Patrick Rankin/R6/USEPA/US@EPA

Mr. Murdock,

I am in receipt of your Supplemented Hearing Exchange materials. I am responding to all in this email to include Mr. Rankin.

I object to what appears to be nearly 200 pages of supplemented material and the addition of two witnesses less than two weeks before the hearing. I will be in trial on another matter from November 5th until completed (probably November 8th). To allow the mass supplementation and addition of expert and fact witnesses which my client had no indication of prior to this date is simply "trial by ambush."

I will draft a formal objection tomorrow.

Thank You,

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From: Murdock.Russell@epamail.epa.gov [mailto:Murdock.Russell@epamail.epa.gov]
Sent: Wednesday, October 31, 2012 2:41 PM
To: Chuck Kibler
Cc: Aldridge.Barbara@epamail.epa.gov; Vaughn.Lorena@epamail.epa.gov;
Rankin.Patrick@epamail.epa.gov
Subject: Prehearing Exchange: CWA-06-2011-2709 - Stevenson & Parkwood Land Co.

Mr. Kibler,

Please find attached the Second Supplement to Complainant's Initial Prehearing Exchange. As requested, I am directing this your way by e-mail rather than by traditional United States Mail. As the Certificate of

Service notes, I delivered a hard copy of this supplemental Prehearing Exchange as well as all Exhibits to the Regional Hearing Clerk this afternoon.

Please note that EPA's e-mail client prevents me from sending attachments greater than a certain size. As a result, I am having to split up Exhibit 46 into nine parts. All other exhibits as well as a copy of the Filed Prehearing Exchange will be attached to this e-mail. At the Regional Hearing Clerk's request, I am CC'ing both her and the Regional Judicial Officer on this e-mail, but will not be copying them on the following e-mails containing portions of exhibit 46. Should either the Regional Hearing Clerk or Regional Judicial Officer like to receive digital copies of Exhibit 46, I will of course be happy to provide them.

Thank you.

Russell Murdock
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