

IN THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION(S)

IN THE MATTERS OF) DOCKET NO. T.S.CA-
MARDAPH II, L.L.C.;) 05-2008-0019
MARDAPH III, L.L.C.;)
AND VINNIE WILSON)
CINCINNATI, OHIO)
RESPONDENTS)

RECEIVED
JUL 23 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

MOTION TO SHOW CAUSE, AND/OR
WRITTEN REQUEST FOR A DEFAULT
HEARING

NOW COMES THE TWO RESPONDENTS,
MARDAPH II, L.L.C; AND MARDAPH III, L.L.C;
BY AND THROUGH, THE SAID PRESIDENT OF
THE TWO CORPORATION HEREIN "PRO'SE CAPACITY,
WHO HEREBY RESPECTFULLY MOVES FOR AN
ORDER, SHOWING GOOD CAUSE WHY EACH
RESPONDENTS SHOULD NOT BE HELD IN DEFAULT
FOR FAILURE TO TIMELY RESPONSE TO THE
ADMINISTRATIVE COMPLAINT BY ANSWER OR
TO DEFEND THE ALLEGATIONS AGAINST SAID

RESPONDENTS MARDAPH II, L.L.C. AND MARDAPH III, L.L.C.:

RESPONDENT'S ATTACHES HEREWITH, AN ACCOMPANIED SWORN AFFIDAVIT STATEMENTS, OF VENNIE WILSON, AND ATTESTED APPENDIX EXHIBITIONS AS DOCUMENTARY PROOF OF EVIDENCE TO WARRANT A DEFAULT NOTICE OF HEARING, IN SUPPORT OF THE SAID MOTION TO SHOW GOOD CAUSE WHY A DEFAULT ORDER SHOULD NOT BE ISSUED AGAINST THE TWO RESPONDENTS MARDAPH II, L.L.C. AND MARDAPH III L.L.C. UPON FAILURE TO TIMELY ANSWER TO THE COMPLAINT.

WHEREFORE, FOR THE FOREGOING SUBSTANTIAL REASONS, INVOLVED HEREIN THE ATTACHED SWORN AFFIDAVIT STATEMENTS, AND APPENDIX-EXHIBITATION SUBMITTED AND INTRODUCE AS A PART OF THE SAID MOTION. THE TWO RESPONDENTS MARDAPH II L.L.C. AND MARDAPH III L.L.C. RESPECTFULLY REQUEST AN ORDER, GRANTING GOOD CAUSE FOR FAILURE ON THE PART OF RESPONDENTS TO FILE A TIMELY RESPONSE ANSWER TO THE ORIGINAL COMPLAINT.

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RESPECTFULLY SUBMITTED

X *[Signature]*

VENNIE WILSON
PRESIDENT IN PROSE
P.O. BOX 317639
CINCINNATI, OHIO 45231

IN THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION (5)

IN THE MATTERS OF
DIRECTOR OF THE
U.S. E.P.A ADMIN.
LAND & CHEMICAL
DIV. AGENCY REGION (5)
COMPLAINANTS

DOCKET NO. TSCA-
05-2008-0019

SWORN AFFIDAVIT
STATEMENTS OF MS
VENNIE WILSON.

-VS-

MARDAPH II, L.L.C;

-AND-

MARDAPH III, L.L.C;

RESPONDENTS,

(STATE OF OHIO)
HAMILTON CO. } SS:

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I, VENNIE WILSON, THE UNDERSIGNED
AFFIANT FIRST BEING SWORN TO, AND CAUTIONED
ACCORDING TO THE LAW, DEPOSES AND ALLEGEDLY
STATES THAT;

(1) AFFIANT IS COMPETENT TO GIVE
RELEVANT TESTIMONY TO THE MATTERS STATED
HEREIN SAID AFFIDAVIT MADE IN GOOD
FAITH CONTAINED THIS CAUSE OF ACTION

- (2) AFFIANT VINNIE WILSON RESPECTFULLY STATES THAT SHE IS THE PRESIDENT OF THE TWO CORPORATIONS, (AS LESSORS) AND THE RESPONDENTS, MARDAPH II, L.L.C.; AND MARDAPH III, L.L.C.; FAILED TO ANSWER, RESPONSE, OR DEFEND AGAINST THE ORIGINAL COMPLAINANT ON THE DATE 8/4/08.
- (3) AFFIANT VINNIE WILSON RESPECTFULLY REPRESENTED HERSELF TO THE MATTERS OF PROCEEDING IN PROISE CAPACITY IN RESPONSE TO THE COMPLAINANT'S PREVIOUSLY MOTION FOR AN ORDER OF ENTRY; SEEKING A DEFAULT ORDER ALLEGED AGAINST RESPONDENT VINNIE WILSON, THE MOTION WAS DENIED AND SHE WAS ALLOWED TO FILE AN ANSWER, ON ~~5/20~~ / 2009.
- (4) AFFIANT VINNIE WILSON FURTHER STATES THAT THE (U.S. EPA) COMPLAINANT DID NOT SEEK A DEFAULT ORDER AGAINST THE TWO RESPONDENTS, MARDAPH II, L.L.C. AND MARDAPH III, L.L.C.; FOR FAILURE TO TIMELY ANSWER TO THE COMPLAINT ON MARCH 19, 2009. UNTIL, ON THE DATE OF JUNE 10, 2009.
- (5) AFFIANT VINNIE WILSON WERE UNDER THE CARE OF MEDICAL DOCTOR JOSEPH P. HAZE, M.D FOR SEVERE DEPRESSION FOR ANXIETY AND DYSTHYMIA PRESCRIBED PELL MEDICATION PRESCRIPTION

(8) AFFIANT VINNIE WILSON RESPECTFULLY STATES THAT SHE SERVED DISCLOSURE OF INFORMATION ON LEAD BASED PAINT AND LEAD BASED PAINT HAZARDS (LEAD WARNING STATEMENTS TENANT'S LESSEE'S ACKNOWLEDGEMENT CERTIFICATION OF ACCURACY TO TABITHA DORNAL, AT 2636 FENTON AVENUE, CINCINNATI, OHIO 45211. ON THE DATE OF JUNE 8 / 2006.

SEE: ATTESTED DOCUMENT CERTIFICATION OF ACCURACY KNOWLEDGEMENT INFORMATION PROVIDED BY THE SIGNATORY OF THE OWNER AND TENANT

(9) AFFIANT VINNIE WILSON SERVED DISCLOSURE OF INFORMATION ON LEAD BASED PAINT AND LEAD BASED PAINT HAZARDS (LEAD WARNING STATEMENTS TENANT LESSEE'S ACKNOWLEDGEMENTS CERTIFICATION OF ACCURACIES TO EACH AND EVERY RESIDENTIAL (10) RENTAL UNITS TO ENSURE COMPLIANCES TENANT LESSEE'S RESPONSIBILITIES AND OWNER OBLIGATIONS OF THE (10) PROPERTIES RENTED HOUSING DWELLINGS

(10.) AFFIANT VINNIE WILSON RESPECTFULLY STATES THAT THE U.S. E.P.A COMPLAINTANT HAS MOVED FOR AN ENTRY OF A DEFAULT ORDER AGAINST THE TWO RESPONDENTS, MARDAPH II, L.L.C.; ALLEGING (10) VIOLATION OF TOXIC SUBSTANCES CONTROL ACT ("T.S.C.A.")

FURTHER STATING, THE COMPLAINT ALLEGES (10) VIOLATION AGAINST RESPONDENT MARDAPH II, L.L.C., SEEKING A PENALTY OF (\$ 30,320)

COMPLAINT ALLEGES (20) VIOLATIONS AGAINST THE RESPONDENT, MARDAPH, III, L.L.C.; SEEKING A PENALTY OF \$ (26,840), ALLEGING (20) VIOLATIONS OF THE TOXIC SUBSTANCES CONTROL ACT (T.S.C.A.)

(11). AFFIANT VINNIE WILSON RESPECTFULLY STATES THAT SHE IS THE PRESIDENT OF MARDAPH II, L.L.C; AND MARDAPH III, L.L.C. WHICH SHE IS APPEARING IN THIS MATTER "PRO SE AND FILES AN ENTITLED MOTION TO SHOW CAUSE, AND/OR A WRITER REQUEST FOR A DEFAULT HEARING BASED UPON SWORN AFFIDAVIT STATEMENTS, DOCUMENTS PROOF OF EVIDENCE MARKED AS APPENDIX-EXHIBITIONS IN SUPPORT OF SAID MOTION OF THE TWO RESPONDENTS.

(12) AFFIANT VINNIE WILSON STATES THAT, AS THE OWNER AND/OR AGENT FOR THE OWNER OF THE RESIDENTIAL (10) RENTAL UNITS HOUSING DWELLINGS, THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) PROGRAM INSPECTORS OF THE (15) RENTAL UNITS NEGLECTED THEIR PROFESSIONAL DUTIES WHEN THE INSPECTION OF EACH AND EVERY RESIDENTIAL (10) RENTAL UNITS WHERE APPROVED BY SECTION (8) (C.M.H.A)

DRUGS BY THE FAMILY MEDICAL GROUP, AT (4.)
6331 GLENWAY AVENUE, CINCINNATI OHIO
45211.

(6) AFFIANT VINNIE WILSON'S MEDICAL DOCTORS,
JOSEPH P. HAZEN, M.D. HAS BEEN USING
NEW PRESCRIPTION MEDICATION SINCE APRIL
13, 2009, WHICH HAVE CAUSED SEDATION AND
POOR MEMORY, AS WELL AS LACK OF CON-
CENTRATION. (SEE: ATTEST LETTER) APPENDIX EXHIBI-
TATION, IN SUPPORT OF THE SWORN AFFIANT OF MRS.
VINNIE WILSON.

(7) AFFIANT VINNIE WILSON'S WERE UNABLE
TO FILE A RESPONSIVE ANSWER TO THE COMPLAINT
BY THE U.S. E.P.A'S COMPLAINANT MOVED FOR
AN ENTRY OF A DEFAULT ORDER AGAINST THE
TWO RESPONDENTS, MARDAPH II, L.L.C. AND
MARDAPH III, L.L.C.; SINCE SHE HAD BEEN
UNDER THE CARE USING NEW MEDICATION SINCE
APRIL 13, 2009, WHICH CAUSED SEDATION AND
POOR MEMORY, AND LACK OF CONCENTRATION
WHICH IMPAIRED HER UNDERSTANDING AND THINK-
ING DAY TO DAY FUNCTIONING.

(SEE: (ATTEST LETTER) APPENDIX EXHIBITATION
DOCUMENTARY PROOF OF EVIDENCE IN SUPPORT OF
VINNIE WILSON'S INABILITY TO MARSHAL
A DEFENSE ANSWER.

(13) AFFLIANT VINNIE WILSON ATTACHES
 HERE WITH SWORN AFFIDAVIT STATEMENTS COPIES
 OF (HER) SIGNED INCOME TAX RETURNS FOR
 THE PAST THREE YEARS FOR 2008, 2007,
 AND 2006. IN SUPPORT OF AN INABILITY
 TO THE PENALTIES OF \$ 30,320 AGAINST
 RESPONDENT'S MARDAPH II, L.L.C.; AND \$ 26,840
 AGAINST MARDAPH III, L.L.C.; AND/OR FOR (47)
 VIOLATIONS AGAINST AFFLIANT VINNIE WILSON
 SEEKING A PENALTY OF \$ 91,090.

(14) AFFLIANT VINNIE WILSON STATES THAT THE
 COMPLAINT FAILS TO STATE A CLAIM AGAINST
 THE TWO RESPONDENT'S MARDAPH II, L.L.C.;
 AND MARDAPH III L.L.C.; WHERE AFFLIANT
 DISCLOSURE OF INFORMATION ON LEAD BASED
 PAINT AND LEAD BASED PAINT HAZARD (LEAD
 WARNING STATEMENTS WERE SERVED A -
 CERTIFICATION OF ACCURACY BY SIGNED
 SIGNATURES THE OWNER VINNIE WILSON, AND
 TENANTS AS TRUE AND ACCURATE KNOWLEDGE
 OF EACH AND EVERY TENANT LESSEE'S

SEE: ATTEST LEAD WARNING STATEMENTS
 DATED ON 6/8/06. SIGNATURE OF VINNIE
 WILSON AND TENANT LESSEE'S TABITHA DORNA
 DOCUMENTARY PROOF OF EVIDENCE WHERE
 COMPLAINANT DEFAULT ORDERS ARE NOT FAVORED
 AND DOUBTS ARE RESOLVED IN FAVOR OF THE

THE DEFAULTING PARTY,

AFFIANT FURTHER SAYETH NAUGHT

X [Signature]

AFFIANT VINNIE WILSON
(PRESIDENT) FOR THE TWO
RESPONDENTS MARDAPH II,
L.L.C. AND MARDAPH III,
L.L.C. IN PROSE

SWORN TO AND SUBSCRIBED BEFORE
ME, A NOTARY PUBLIC, IN MY PRESENCE
ON THIS 2ND DAY OF July 2009.

[Signature]
NOTARY PUBLIC:

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

MARY R. CHILDRES
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 02-12-12