



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF)
Trust No. 98-123, Genghiskhan Xiong,) DOCKET NO. TSCA-05-2008-0010
Hu Xiong, Chuhu Xiong, and)
Maivtshiab Xiong,)
RESPONDENTS)

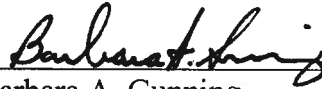
ORDER TO SHOW CAUSE

The file before me reflects that Respondents have failed to file either their prehearing exchange(s) or statement(s) of election only to conduct cross-examination of Complainant's witnesses as their manner of defense on or before January 20, 2009, as required by the Administrative Law Judge's Prehearing Order dated October 20, 2008, and that Respondents have not filed a motion for an extension of the filing deadline. Complainant timely filed its prehearing exchange.

In an Order entered January 13, 2009, the undersigned granted Respondents' Attorney's Motion to Withdraw. As part of the Order Granting Respondents' Attorney's Motion to Withdraw, attorney Dennis J. Kellogg, Esquire, was required to advise Respondents of the deadlines in this matter, including the deadline for serving the prehearing exchange. The January 13, 2009 Order Granting Respondents' Attorney's Motion to Withdraw advised Respondents that the granting of the motion did not disturb the requirement for meeting the January 20, 2009 deadline for filing their prehearing exchange(s).

The Answer filed by Attorney Dennis J. Kellogg, on behalf of Genghiskhan Xiong, Hu Xiong, Chuhu Xiong, and Maivtshiab Xiong, admits that Genghiskhan Xiong, Hu Xiong, and Maivtshiab Xiong are the Respondents in this matter and that Trust No. 98-123 is administered by Bridgeview Bancorp, Inc. a/k/a Bridgeview Bank Uptown. The record before me contains no Answer on behalf of Trust No. 98-123. The Answer filed states that Chuhu Xiong is the same person as Hu Xiong. Answer at ¶ 3. The term "Respondents" henceforth only refers to Genghiskhan Xiong, Chuhu Xiong, Hu Xiong, and Maivtshiab Xiong. Respondents, as common parties, may file joint statements or documents, including a prehearing exchange.

Under Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with the information exchange requirements of Section 22.19(a) of the Rules of Practice, 40 C.F.R. § 22.19(a), or an order of the Administrative Law Judge. Therefore, Respondents are ordered to show cause, if any, on or before **February 19, 2009**, why Respondents failed to meet the January 20, 2009, filing deadline and why a default order should not be entered for failing to meet this deadline.



Barbara A. Gunning
Administrative Law Judge

Dated: February 5, 2009
Washington, DC

In the Matter of Trust No. 98-123, Genghiskhan Xiong, Hu Xiong, Chuhu Xiong and Maivtshiab Xiong, Respondents.
Docket No. TSCA-05-2008-0010

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order to Show Cause**, dated February 5, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and OneCopy by Pouch Mail to:

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Copy by Pouch Mail to:

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Copy by Certified and Regular Mail to:

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Chicago, IL 60640

Dated: February 5, 2009
Washington, D.C.

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