



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of:)
LHP, LLC,) Docket No. TSCA-07-2014-0029
Respondent.)

ORDER ON RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME

On October 26, 2015, a Notice of Hearing and Scheduling Order was issued in this matter, establishing prehearing filing deadlines and setting the dates of the hearing as February 2-5, 2016. Subsequently, I issued a Notice of Hearing Location on November 23, 2015, setting forth the hearing location. On December 16, 2015, Respondent filed an Unopposed Motion for Extension of Time ("Unopposed Motion" and "Unopp. Mot."), requesting that I "extend all deadlines and hearings an additional sixty (60) days." Unopp. Mot. at 1. In so moving, Respondent advised that Complainant does not object to the requested extension, and indicated that the parties require additional time for settlement negotiating purposes, in order to locate, exchange, and review documentation for settlement, and draft a settlement order.

Pursuant to the procedural rules governing this proceeding, set forth at 40 C.F.R. Part 22, I am responsible for scheduling the hearing and determining an appropriate location for the hearing, consistent with 40 C.F.R. §§ 22.21 and 22.19(d). I am also responsible for regulating the course of the hearing consistent with 40 C.F.R. § 22.4. Although the ongoing settlement negotiation between the parties warrants some extension of time to the prehearing filing deadlines and hearing dates, the length of time requested in the Unopposed Motion is not warranted. Accordingly, the Respondent's Unopposed Motion is GRANTED IN PART, and DENIED IN PART with the extended prehearing filing deadlines and hearing dates scheduled as follows.

Dispositive Motions. Pursuant to the Notice of Hearing and Scheduling Order issued October 26, 2015, dispositive motions regarding liability were due on November 20, 2015, prior to Respondent filing the Unopposed Motion. Accordingly, the deadline for filing dispositive motions is not extended.

Non-dispositive Motions. Non-dispositive prehearing motions, such as motions for additional discovery, motions for subpoenas, and motions in limine, shall be filed no later than January 15, 2016. This deadline does not apply to motions to supplement a prehearing exchange.

Motions to Supplement a Prehearing Exchange. The parties are reminded that any document or exhibit not included in the prehearing exchanges shall not be admitted into evidence, and any witness whose name and testimony summary are not included in the prehearing exchange shall not be allowed to testify at hearing. See 40 C.F.R. §§ 22.19(a), 22.22(a). If a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, it must file a timely motion to supplement the prehearing exchange no later than **February 19, 2016**, explaining why it was not submitted earlier.

Joint Stipulations. On or before **February 19, 2016**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after an evidentiary hearing.

Prehearing Conference. A prehearing conference will be scheduled in advance of the hearing and conducted by a staff attorney.

Prehearing Briefs. The parties may, if they wish, file prehearing briefs on or before **March 4, 2016**. If filed, Complainant's brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondent's brief should identify each of the defenses that Respondent intends to pursue at the hearing.

Hearing. The hearing in this matter shall begin promptly at **9:00 a.m.** on **Tuesday, March 22, 2016**, and continue as necessary through March 24, 2016, at the following location:

**Lancaster County District Court
Courtroom 37
575 South 10th Street
Lincoln, Nebraska 68508**

Individuals requiring special accommodations at the hearing, including wheelchair access and translation services, must contact the Headquarters Hearing Clerk at (202) 564-6261 no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made. A staff attorney for the undersigned, Andrea Priest, can be contacted should you have any procedural questions or questions about what to expect at the hearing, at (202) 564-4914 or priest.andrea@epa.gov

RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN THE ENTRANCE OF DEFAULT JUDGMENT AGAINST IT.

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING, OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.

SO ORDERED.

Christine Donelian Coughlin
Administrative Law Judge

Date: December 29, 2015
Washington, D.C.

In the Matter of LHP, LLC, Respondent.
Docket No. TSCA-07-2014-0029

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ORDER ON RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME**, dated December 29, 2015, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Lead Legal Assistant

Original and One Copy by Hand Delivery to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA / Office of Administrative Law Judges
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Washington, DC 20460

One Copy by Electronic and Regular Mail to:

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Dated: December 29, 2015
Washington, D.C.