UNITED STATES ENVIRONMENTAL PROTACTION AGENCY REGION 7 11201 RENNER BOULEVARD LENEXA, KANSAS 66219

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BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	Ö
LHP, LLC 130 N. 27 TH Street, #6 Lincoln, Nebraska))) Docket No. TSCA-07	7-2014-0029
Respondent)))	

LHP, LLC'S MOTION FOR SUBPOENA

NOW COMES, Respondent, LHP, LLC. ("LHP") by and through its undersigned attorneys, pursuant to this Court's Scheduling Order, hereby moves this Court for leave to issues subpoenas to certain individuals for the trial in this matter. In support hereof, LHP states as follows:

- 1. Respondent recently obtained additional documents relevant to this matter through a
 Freedom of Information Act Request ("FOIA Request") and discovered that an individual
 by the name of Maria Morey appeared to be involved in drafting, editing and/or
 approving the Inspection Report in this matter. Therefore, Ms. Morey has information
 that is relevant to this matter and Respondent requests the ability to subpoena her for trial.
- Candace Bednar was listed as a rebuttal witnesses for Petitioner in this matter and upon review of the FOIA Request Respondent discovered Ms. Bednar was involved in reviewing the Inspection Report and determining violations relating thereto. Therefore,

Ms. Bednar has information that is relevant to this matter and Respondent requests the

ability to subpoena her for trial.

3. Paul Clark was listed as a witness on Petitioner's witness list and unless Petitioner

advises the Court that they will subpoen Mr. Clark or that Mr. Clark is a witness in their

control who they have made available for the hearing, Petitioner requests the ability to

subpoena Mr. Clark has he performed the inspection of the property and assisted in

creating the Inspection Report.

4. Mynor Herrera was the person in charge of the house that was inspected and has personal

knowledge as to all of the work done on the house. Therefore, Mr. Herrera has

information that is relevant to this matter and Respondent requests the ability to subpoena

him for trial.

5. Anita Rockenback was the realtor who represented Respondent when he purchased the

house. Ms. Rockenback has personal knowledge of the condition of the house prior to

work being done on the house, including paint chips that were previously on the ground.

Therefore, Ms. Rockenback has information that is relevant to this matter and

Respondent requests the ability to subpoena her for trial.

CONCLUSION

WHEREFORE, Respondent LHP, LLC respectfully request that the Honorable

Administrative Law Judge enter an order allowing Respondent to subpoena the following

individuals for trial: Maria Morey, Candace Bednar, Paul Clark, Mynor Herrera, Anita

Rockenback, and for all further and other relief deemed just and equitable.

[SIGNATURE PAGE FOLLOWS]

DELANEY LAW, P.C. 444 N Wabash Ave., Third Floor Chicago, Illinois 60611 (312) 276-0263

Respectfully Submitted,

By: <u>/s/ Cynthia Rote</u>

An Attorney for LHP, LLC

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