



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Taotao USA, Inc.,) Docket No. CAA-HQ-2015-8065
Taotao Group Co., Ltd., and)
Jinyun County Xiangyuan Industry) Dated: August 17, 2017
Co., Ltd.)
)
Respondents.)

**ORDER GRANTING COMPLAINANT’S FOURTH MOTION TO SUPPLEMENT THE
PREHEARING EXCHANGE**

On July 31, 2017, the Complainant’s Fourth Motion to Supplement the Prehearing Exchange was filed (“Motion”). The Motion requests leave to: (A) amend the brief narrative summaries of two potential witnesses (Cleophas Jackson and Amelie Isin); (B) strike 15 previously identified expert and fact witnesses; (C) revised the proposed penalty narrative and penalty calculation worksheet; and (D) update Complainant’s Exhibit CX190 to identify it as confidential business information and place it under seal. Mot. at 1-2.

As the Motion was electronically served upon the Respondents, the Respondents had 15 days from the date of filing to timely submit their opposition thereto, but failed to do so. *See*, 40 C.F.R. § 22.16(b) (“A party’s response to any written motion must be filed within 15 days after service of such motion.”). As such they are deemed to have waived any objection thereto. *Id.* (“Any party who fails to respond within the designated period waives any objection to the granting of the motion.”). Moreover, a party is required to supplement prior exchanges of information where it is “incomplete, inaccurate or outdated, and the additional or corrective information has not otherwise been disclosed.” 40 C.F.R. § 22.19(f).

Therefore, Complainant’s Fourth Motion to Supplement the Prehearing Exchange is hereby GRANTED.¹

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

¹ On July 3, 2017, Respondents filed a Motion to Take [the] Deposition of Robert D. Specht. As Mr. Specht is one of the 15 witnesses Complainant has stricken from its witness list, the Respondent Motion to take his deposition is deemed moot.

In the Matter of *Taotao USA, Inc., Taotao Group Co., Ltd., and Jinyun County Xiangyuan Industry Co., Ltd.*, Respondents. Docket No. CAA-HQ-2015-8065

CERTIFICATE OF SERVICE

I certify that the foregoing Order Granting Complainant's Fourth Motion to Supplement the Prehearing Exchange, dated August 17, 2017 and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Dated: August 17, 2017
Washington, D.C.