



Reinhart Boerner Van Deuren s.c.
P.O. Box 2965
Milwaukee, WI 53201-2965

1000 North Water Street
Suite 1700
Milwaukee, WI 53202

Telephone: 414-298-1000
Fax: 414-298-8097
Toll Free: 800-553-6215
reinhartlaw.com

October 6, 2011

Jeffrey P. Clark
Direct Dial: 414-298-8131
jclark@reinhartlaw.com

DELIVERED BY COURIER

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Dear Regional Hearing Clerk:

Re: *In the Matter of Liphatech, Inc.*
Docket No. FIFRA-05-2010-0016

On behalf of Respondent, Liphatech, Inc., I enclose for filing an original and two copies of Respondent's Motion For Telephonic Prehearing Conference.

Please file-stamp one of the enclosed copies and kindly return it to me in the enclosed postage-prepaid envelope. Thank you for your assistance.

Respectfully submitted,

Jeffrey P. Clark

REINHART\7881330

Encs.

cc Honorable Susan L. Biro (w/encs., by courier)
Ms. Nidhi K. O'Meara (C-14J) (w/encs., by courier)

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PROTECTION AGENCY

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:) **Docket No. FIFRA-05-2010-0016**
)
Liphatech, Inc.) **Hon. Susan Biro**
Milwaukee, Wisconsin,)
)
Respondent.)
)
)
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_____)

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RESPONDENT'S MOTION FOR TELEPHONIC PREHEARING CONFERENCE

In accordance with 40 C.F.R. § § 22.16 and 22.19(b) of the Consolidated Rules Of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the "Consolidated Rules"), Respondent Liphatech, Inc. respectfully requests that the Presiding Officer hold a telephonic prehearing conference in connection with the above-captioned matter.

The prehearing conference will enable the parties to clarify the Presiding Officer's operating protocol and preferences with regard to certain items related to the hearing, including, but not necessarily limited to, the following: (a) the making of oral opening and closing statements; (b) hearing schedule (anticipated daily start times, lunch breaks and adjourn times); (c) the admission of written direct examination testimony in lieu of oral testimony pursuant to 40 C.F.R. § 22.22(c); and (d) whether the Presiding Officer prefers that offers of proof pursuant to 40 C.F.R. § 22.23(b) be made orally or in written form.

In order to assist the parties with preparation for the hearing, Respondent also respectfully requests that the Presiding Officer require the parties to provide to each other

and to the Presiding Officer a written notice of the order in which each party intends to present its witnesses at the hearing within three (3) days of such witness's testimony.

In order to allow the parties time to prepare for the hearing in accordance with the Presiding Officer's preferences, Respondent suggests that the telephonic prehearing conference be held early in the week of October 10th, 2011.

Counsel for Respondent contacted counsel for Complainant on October 5, 2011 in order to determine if Complainant would join in this Motion or if Complainant intended to oppose this Motion. Counsel for Complainant responded on October 5, 2011 that a prehearing conference was not necessary. Such a telephonic prehearing conference, however, would allow the parties to prepare in advance of hearing.

Dated this 6th day of October, 2011.

Respectfully submitted,

Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
Telephone: 414-298-1000
Facsimile: 414-298-8097

Mailing Address:
P.O. Box 2965
Milwaukee, WI 53201-2965

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PROTECTION AGENCY



Jeffrey P. Clark
WI State Bar ID No. 1009316
jclark@reinhartlaw.com
Mark A. Cameli
WI State Bar ID No. 1012040
mcameli@reinhartlaw.com
Lucas N. Roe
WI State Bar ID No. 1069233
lroe@reinhartlaw.com
Michael H. Simpson
WI State Bar ID No. 1014363
msimpson@reinhartlaw.com
Attorneys for Respondent Liphatech, Inc.

Docket No. FIFRA-05-2010-0016
In the Matter of Liphatech, Inc.

CERTIFICATE OF SERVICE

I, Jeffrey P. Clark, one of the attorneys for the Respondent, Liphatech, Inc., hereby certify that I delivered one copy of the foregoing Respondent's Motion For Telephonic Prehearing Conference, to the persons designated below, by depositing it with a commercial delivery service, postage prepaid, at Milwaukee, Wisconsin, in envelopes addressed to:


Honorable Susan L. Biro
Office of the Administrative Law Judges
Franklin Court Building
1099 14th Street, NW, Suite 350
Washington, D.C. 20005; and

Ms. Nidhi K. O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604



I further certify that I filed the original and one copy of the Respondent's Motion For Telephonic Prehearing Conference and the original of this Certificate of Service in the Office of the Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, by depositing them with a commercial delivery service, postage prepaid, at Milwaukee, Wisconsin, on the date below.

Dated this 6th day of October, 2011.



Jeffrey P. Clark
One of the Attorneys for Respondent
Liphatech, Inc.