

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

**In the Matter of:**

**Taotao USA, Inc.,  
Taotao Group Co., Ltd., and  
Jinyun County Xiangyuan Industry  
Co., Ltd.,**

**Respondents.**

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**Docket No.  
CAA-HQ-2015-8065**

**RESPONSE TO MOTION TO QUASH SUBPOENA**

Respondents’ Taotao USA, Inc., Taotao Group Co., Ltd., and Jinyun County Xiangyuan Industry Co., Ltd. respectfully file this Response to Margaret Goldstein’s Motion to Quash Subpoena, objecting to the Motion.

In the Motion to Quash Subpoena (the “Motion”), Ms. Goldstein provides the following grounds for the Motion: (1) She received the Subpoena on October 10, 2017, and the subpoena did not have any information “regarding travel arrangements, or payment for witness fees, airfare, accomodations per diem, etc.” (2) arranging a trip for the duration of four days presents extreme hardship; and (3) she does not believe her primary administrative assistance to Taotao USA, Inc. (“Taotao USA”) approximately five years ago is material or relevant. Motion at 1.

On or about September 8, 2017, Respondent’s counsel called Harrison Wolf Consulting, Inc. (“Harrison Wolf”) and asked to speak to Ms. Goldstein. The phone was answered by Shelly Tovatt, who informed counsel that Margaret was unavailable but asked counsel to send Ms. Tovatt an email with the information or documents needed for the administrative hearing. On September 12, 2017, counsel for Respondent sent Ms. Tovatt and Ms. Goldstein an email asking about certain details of the services Harrison Wolf, and Ms. Goldstein provided to Taotao USA pursuant to an agreement between the agency and Taotao USA. *See Exhibit A.*

On September 19, 2017, counsel for Respondents again attempted to contact Ms. Goldstein and sent an email to Ms. Tovatt. Ms. Goldstein was copied to that email. The email again asked Ms. Tovatt for the requested information, and asked her if Ms. Goldstein was still employed by Harrison Wolf, requesting Ms. Goldstein's contact information. *See Exhibit A.* In the email, counsel for Respondents informed Ms. Tovatt that Taotao USA will need Ms. Goldstein to testify as a fact witness in the hearing before the administrative judge currently scheduled to begin on October 17, 2017. *See Exhibit A.*

On September 21, 2017, Ryan Tovatt from Harrison Wolf called Respondents' counsel and left a voicemail asking counsel to call him back. Thereafter, counsel for Respondent called Mr. Tovatt and spoke to him. Mr. Tovatt made it clear during the telephone conversation that Harrison Wolf did not intend on providing any assistance in this matter. Mr. Tovatt confirmed that Ms. Goldstein was still employed by Harrison Wolf and that Taotao USA would need to get a subpoena issued if they wanted Harrison Wolf or Margaret Goldstein to provide any assistance.

On September 27, counsel for Respondent sent Mr. Tovatt an email requesting that Harrison Wolf forward "any and all correspondence, including electronic mail, agreements, reports or notes, that relate to any meeting, telephone conversation, or other communications, testing plans, laboratory results, and any other documents that were received, prepared or collected for Taotao USA, Inc." *See Exhibit A.* Ms. Goldstein, again was copied to this email.

On October 13, after learning that Ms. Goldstein had contacted the Office of Administrative Law Judges regarding the Subpoena, counsel for Respondents again sent Ms. Goldstein an email, asking her to contact Respondents' counsel in regards to the subpoena. *See Exhibit A.* Once again, Ms. Goldstein failed to respond. The email was sent at 11:18 am, CST. However, later that day, at 4:06pm, Ms. Goldstein served Respondents with the Motion, via

electronic mail. *See* Exhibit A. The email address from which Ms. Goldstein served the Motion was the same email address that all the foregoing electronic communications were sent to. *See* Exhibit A.

Ms. Goldstein now asserts that she did not have significant notice and does not believe that she needs to attend the hearing because of service she provided five years ago. However, this matter involves vehicles that were manufactured and/or imported, and for which catalyst tests were conducted, in 2012, when Harrison Wolf was retained by Taotao USA.

For the foregoing reasons, Respondents' object to the Motion to Quash Subpoena.

Respectfully Submitted,



10/16/2017  
Date

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William Chu  
Texas State Bar No. 04241000  
The Law Offices of William Chu  
4455 LBJ Freeway, Suite 1008  
Dallas, Texas 75244  
Telephone: (972) 392-9888  
Facsimile: (972) 392-9889  
wmchulaw@aol.com  
Facsimile: (972) 392-9889  
wmchulaw@aol.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that on October 16, 2017 the foregoing instrument was filed electronically using the EPA Office of Administrative Law Judges' E-Filing System. Response instrument was sent the same day via electronic mail to the Hearing Clerk in the EPA Office of Administrative Law Judges: Mary Angeles at Angeles.Mary@epa.gov

The undersigned certifies that an electronic copy of foregoing Response was sent this day for service by electronic mail to Complainant's counsel: Edward Kulschinsky at Kulschinsky.Edward@epa.gov; Robert Klepp at Klepp.Robert@epa.gov; and Mark Palermo at Palermo.Mark@epa.gov. In addition, an electronic copy of the foregoing Response was sent this day for service by electronic mail to Margaret Goldstein: Margaret@harrisonwolf.com.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'William Chu', written over a horizontal line.

10/16//2017  
Date

William Chu