



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
)
TONY J. PAPADIMITRIOU,) DOCKET NO. TSCA-03-2008-0035
)
)
Respondent)

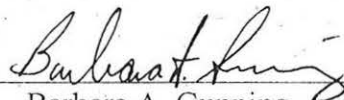
ORDER GRANTING MOTION FOR ISSUANCE OF SUBPOENAS

On February 24, 2009, Complainant submitted Complainant’s Motion for Issuance of Subpoenas (“Motion”) pursuant to Section 11(c) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2610(c). Complainant seeks subpoenas for the appearance and testimony of Suzanne Long and Darren M. Parmer at the hearing.

Section 22.21(b) of the Rules of Practice, 40 C.F.R. §22.21(b), authorizes the Administrative Law Judge to issue subpoenas under certain circumstances to require the attendance of witnesses or the production of documents at a hearing. Pursuant to Section 22.21(b), “[t]he Presiding Officer may require the attendance of witnesses or the production of documentary evidence by subpoena, if authorized under the Act, upon a showing of the grounds and necessity therefor, and the materiality and relevancy of the evidence to be adduced.”

Upon consideration of Complainant’s unopposed Motion and for good cause shown in accordance with 40 C.F.R. § 22.21(b), the Motion will be granted. Respondent has shown sufficient grounds and necessity for the subpoenas and the materiality and relevancy of the proposed evidence to be adduced.¹ Accordingly, Complainant’s Motion is **Granted**.

So ordered.



Barbara A. Gunning
United States Administrative Law Judge

Dated: March 5, 2009
Washington, D.C.

¹ The two subpoenas are being issued with this Order.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

TONY J. PAPADIMITRIOU,

Respondent

)
)
) Docket No. TSCA-03-2008-0035.
)
)

SUBPOENA¹

TO:

Darren M. Parmer
Housing Rehab and Lead Specialist III
City of Lancaster
120 N. Duke Street
P.O. Box 1599
Lancaster, PA 17608-1599

YOU ARE HEREBY COMMANDED, pursuant to Section 11(c) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2610(c), and Sections 22.4(c)(9), 22.19(e)(4), and 22.21(b) of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.4(c)(9), 22.19(e)(4), and 22.21(b), **TO APPEAR IN PERSON**, on the following dates and times:

TIME: 9:30 a.m.

DATE: March 10, and to continue, as necessary through Friday, March 13, 2009.

LOCATION: James A. Byrne U.S. Court House
Seitz Courtroom, Suite 21400, 19th Floor
601 Market Street
Philadelphia, PA 19106

YOU ARE FURTHER COMMANDED:

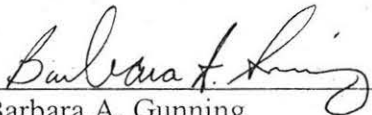
TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

¹ This subpoena is to be served on the witness in accordance with Section 22.5(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.5(b)(1)(i).

TO REMAIN IN ATTENDANCE until expressly excused by Administrative Law Judge Gunning.

NOTICE: FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIATION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF.

ISSUED in Washington, D. C., this 5th day of March 2009.


Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
Mail Code 1900L
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
(202) 564-6281

Witness Fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued, in this instance, Complainant, United States Environmental Protection Agency.

Counsel for Respondent: Charles B. Haws, Esq.
Barley Snyder, LLC
501 Washington Street, 5th Floor
P.O. Box 942
Reading, PA 19603-0942

SUBPOENA FOR Darren M. Parmer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

TONY J. PAPADIMITRIOU,

Respondent

)
)
) Docket No. TSCA-03-2008-0035
)
)

SUBPOENA¹

TO: Suzanne Long, RN
Pinnacle Health System CLPPP
2645 N. Third Street
Harrisburg, PA 17110

YOU ARE HEREBY COMMANDED, pursuant to Section 11(c) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2610(c), and Sections 22.4(c)(9), 22.19(e)(4), and 22.21(b) of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.4(c)(9), 22.19(e)(4), and 22.21(b), **TO APPEAR IN PERSON**, on the following dates and times:

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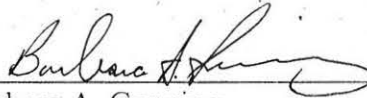
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Counsel for Respondent: Charles B. Haws, Esq.
Barley Snyder, LLC
501 Washington Street, 5th Floor
P.O. Box 942
Reading, PA 19603-0942

SUBPOENA FOR Suzanne Long

In the Matter of Tony J. Papadimitriou, Respondent.
Docket No. TSCA-03-2008-0035

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Motion for Issuance of Subpoenas**, dated March 5, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Lydia Guy
Regional Hearing Clerk
U.S. EPA / Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Fx: 215.814.2603

Copy by Facsimile and Pouch Mail to:

Jeffrey S. Nast, Esq.
Assistant Regional Counsel
U.S. EPA / Region III, 3RC30
1650 Arch Street
Philadelphia, PA 19103-2029
Fx: 215.814.2603

Copy by Facsimile and Regular Mail to:

Charles B. Haws, Esq.
Barley Snyder, LLC
501 Washington Street, 5th Floor
P.O. Box 942
Reading, PA 19603-0942
Fx: 610.376.5243

Dated: March 5, 2009