

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS**

BEFORE THE ADMINISTRATOR

In the Matter of:

LHP, LLC,

Respondent.

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Docket. No. TSCA-07-2014-0029

JOINT SET OF STIPULATED FACTS, EXHIBITS, AND TESTIMONY

The Complainant, through its attorney Robert W. Richards, and the Respondent, through its attorney Cynthia M. Rote, (collectively, the “Parties”) hereby file this Joint Set of Stipulated Facts, Exhibits, and Testimony pursuant to the Notice of Hearing and Scheduling Order in this matter dated October 26, 2015, and revised on December 29, 2015.

I. STIPULATED FACTS

The Parties stipulate to the following facts:

1. The Complaint was served on the Respondent on February 19, 2015.
2. During all times referenced in the Complaint, Respondent was a limited liability company authorized under the laws of the state of Nebraska.
3. During all times referenced in the Complaint, Respondent was in the business of owning and renting residential housing in the Lincoln, Nebraska area.
4. During all times referenced in the Complaint, Respondent was a person as defined in 40 C.F.R. § 745.83.

5. During all times referenced in the Complaint, Respondent was a firm as defined in 40 C.F.R. § 745.83.

6. During all times referenced in the Complaint, Respondent owned a residential housing unit located at 800 A Street, Lincoln, Nebraska.

7. The housing unit at 800 A Street, Lincoln, Nebraska, was constructed prior to 1978 and was target housing as defined in 40 C.F.R. § 745.103.

8. On November 6 through 8, 2012, Respondent was performing a renovation project at the housing unit at 800 A Street, Lincoln, Nebraska. The Parties dispute whether on November 9, 2012, Respondent was continuing or had ended the renovation project at the housing unit at 800 A Street, Lincoln, Nebraska.

II. STIPULATED EXHIBITS

The Parties stipulate to the authenticity and admissibility of the following exhibits:

1. Complainant's Exhibits: CX-2, CX-3 through CX-41, CX-42, CX-45, and CX-46, as submitted with Complainant's Prehearing Exchange and Rebuttal Prehearing Exchange. CX-2 is stipulated only as to the transmittal cover letter. CX-3 through CX-41 are stipulated as photographs taken by Mr. Paul Clark on November 9, 2012 at the housing unit at 800 A Street, Lincoln, Nebraska.

2. Respondent's Exhibits: RX-1 through RX-2, as submitted with Respondent's Prehearing Exchange.

III. STIPULATED TESTIMONY

The Parties do not intend to submit stipulated testimony in this matter.

SIGNATURES

The signatures of the Parties to this Joint Set of Stipulated Facts, Exhibits, and Testimony are provided in counterparts.

RESPECTFULLY SUBMITTED,
this 19th day of February, 2016

A handwritten signature in black ink, appearing to read "Cynthia M. Rote", is written over a horizontal line.

ATTORNEY FOR RESPONDENT

Cynthia M. Rote

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