



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)
Detroit Renovations, LLC, and) Docket No. TSCA-HQ-2018-5006
Nicole Curtis)
Respondents.)

NOTICE OF EX PARTE RECEIPT OF REQUEST FOR DISCOVERY

The undersigned has received from Respondents the attached correspondence, titled, "Request for Discovery," without an accompanying certificate of service. It is unclear whether Complainant or Complainant's current counsel has been served with a copy of the correspondence.

The Consolidated Rules of Practice ("Rules") provide that "[t]he original and one copy of each document intended to be part of the record shall be filed with the Headquarters . . . Hearing Clerk, when the proceeding is before the Presiding Officer" 40 C.F.R. § 22.5(a)(1).¹ In addition, 40 C.F.R. § 22.5(a)(3) requires that a "certificate of service" be attached to each document evidencing such service. The Rules provide further that "[a]ny ex parte memorandum or other communication addressed to the . . . Presiding Officer during the pendency of this proceeding and relating to the merits thereof, by or on behalf of any party shall be regarded as argument made in the proceeding and shall be served on all other parties." 40 C.F.R. § 22.8.

The Request for Discovery relates to the merits of this proceeding and is considered ex parte because there is no indication that it was properly served. Therefore, under 40 C.F.R. § 22.8, it is being served upon Complainant by its attachment to this Notice. Respondents are warned that failure to submit documents in compliance with Rule 22.8 may result in their exclusion from the record. 40 C.F.R. § 22.8(c)(5).

Rules 22.8 provides that "[t]he other parties shall be given an opportunity to reply to such memorandum or communication." 40 C.F.R. § 22.8. The Request for Discovery does not request any action of this Tribunal. Therefore, it is not considered a motion. Complainant will have an opportunity to reply to Respondents through its prehearing exchange of information.

[Signature]
Susan L. Biro
Chief Administrative Law Judge

Dated: February 19, 2019
Washington, D.C.

¹ Pursuant to the Standing Order Authorizing Electronic Filing in Proceedings Before the Office of Administration Law Judges, available on the OALJ website at www.epa.gov/alj, documents filed electronically are deemed to constitute both the original and one copy of the document.

In the Matter of *Detroit Renovations, LLC, and Nicole Curtis* Respondents.
Docket No. TSCA-HQ-2018-5006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Ex Parte Receipt of Request for Discovery**, dated February 19, 2019, issued by Chief Administrative Law Judge Susan L. Biro, and Respondents' Request for Discovery were sent this day to the following parties in the manner indicated below.



Michael B. Wright
Attorney Advisor

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:

Amos Presler, Attorney Advisor
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W. (Mail Code 2249A)
Email: presler.amos@epa.gov
For Complainant

Raymond C. Bosch, Attorney Advisor
United States Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
Email: bosch.raymond@epa.gov
For Complainant

Copy by Electronic Mail to:

Nicole Curtis
12409 Laurel Terrace Dr.
Studio City, CA 91604
assistant@nicolecurtis.com, detroitdesign@yahoo.com

Nicole Curtis, Registered Agent
Detroit Renovations, LLC
1350 Lagoon Avenue, Suite 900
Minneapolis, MN 55408
assistant@nicolecurtis.com, detroitdesign@yahoo.com

For Respondents

Dated: February 19, 2019
Washington, D.C.

February 19, 2019

Administrator
Environmental Protection Agency
300 Minnesota Ave
Kansas City, KS 66101

The United State Environmental Protection Agency
Plaintiff,
Vs.
Nicole Curtis and Detroit Renovations, LLC
Defendant.

RE: Request for Discovery
Docket No. TSCA-HQ-2018-5006

Dear Administrator,

The above-named Defendant hereby requests that you provide, to the Defendant whose address is indicated below, copies of any and all relevant written or recorded statements of witnesses, including any statements, diagrams, or drawings made by any representative on any piece of paper or other medium of information storage in regards to the aforementioned Docket No. TSCA-HQ-2018-5006. In addition, the defendant requests other types of discovery to properly assess the case.

This includes, but is not limited to:

- Names and addresses of all persons the Environmental Protection Agency had on-site of Defendant's property.
- Dates and times of all persons the Environmental Protection Agency had on-site.
- Defendant representative whom was contacted on-site during any visitation by the agency.
- Results of any and all tests an Environmental Protection Agency representative conducted on-site.
 - Including the make/model of any testing kits
- Any correspondences with Defendant regarding possible violations during the renovation process.

Thank you.

Nicole Curtis
1350 Lagoon Ave Suit 900
Minneapolis MN, 55408