



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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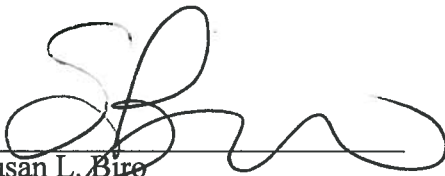
IN THE MATTER OF )  
LIPHATECH, INC., )  
 )  
RESPONDENT. )

DOCKET NO. FIFRA-05-2010-0016

**ORDER ON COMPLAINANT'S UNOPPOSED MOTIONS TO SUPPLEMENT**

On July 25, 2011, Complainant filed its Unopposed Motion for Leave to File Its Third Supplemental Prehearing Exchange ("Third PHE Motion"), in which it states that Respondent's counsel stipulates to Complainant's request to supplement the prehearing exchange with Proposed Exhibits 139 - 146, but reserves its right to object to the admission of these documents at hearing. Complainant asserts that the Proposed Exhibits are submitted now either because they were not available when it previously filed its PHE or Complainant felt the additional documents were necessary in response to the undersigned's recent Order. Third PHE Motion at 3.

On August 2, 2011, Complainant filed its Unopposed Motion for Leave to File Its Fourth Supplemental Prehearing Exchange ("Fourth PHE Motion"), in which it states that Respondent's counsel does not oppose this motion. The Fourth PHE Motion seeks to substitute a new witness for a previously identified witness who has since retired from federal service. It also includes the newly identified witness' CV as Proposed Exhibit 147. I note that the hearing is scheduled to commence on October 31, 2011, giving Respondent ample time to review the supplemental documents. There is no evidence before me of any undue delay, bad faith, or undue prejudice. Pursuant to 40 C.F.R. § 22.19(f), Complainant's Third and Fourth PHE Motions are hereby **GRANTED**.

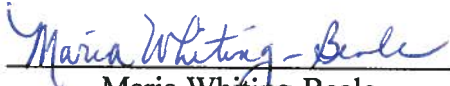
  
Susan L. Biro  
Chief Administrative Law Judge

Dated: August 2, 2011  
Washington, DC

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

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Unopposed Motion To Supplement**, dated August 2, 2011, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: August 2, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead  
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U.S. EPA  
77 West Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

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