

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**IN THE MATTER OF**

**Timothy Wilson, d/b/a  
Wilson's Pest Control,**

**Respondent.**

)  
) **Docket No. FIFRA-07-2023-0135**  
)  
)  
) **MOTION TO SUPPLEMENT**  
) **COMPLAINANT'S PREHEARING**  
) **EXCHANGE**  
)

**MOTION TO SUPPLEMENT COMPLAINANT'S PREHEARING EXCHANGE**

COMES NOW, the U.S. Environmental Protection Agency, Region 7 ("EPA" or "Complainant"), through its undersigned counsel, to respectfully provide Complainant's Motion to Supplement Complainant's Prehearing Exchange.

1. On May 3, 2024, Complainant filed Complainant's Initial Prehearing Exchange.
2. On May 24, 2024, Respondent filed Respondent's Prehearing Exchange.
3. On June 4, 2024, Complainant filed Complainant's Rebuttal Prehearing Exchange.
4. On August 27, 2024, Complainant filed its first Motion to Supplement Complainant's Prehearing Exchange. On September 5, 2024, this Court granted Complainant's first Motion to Supplement.
5. Pursuant to 40 C.F.R. § 22.19(f), a party who has made an information exchange under paragraph (a) of this section, or who has exchanged information in response to a request for information or a discovery order pursuant to paragraph (e) of this section, shall promptly supplement or correct the exchange when the party learns that the information exchanged or response provided is incomplete, inaccurate or

outdated, and the additional or corrective information has not otherwise been disclosed to the other party pursuant to this section.

6. Pursuant to this Court's November 12, 2024 Notice of Hearing Order, a party seeking to supplement its prehearing exchange may do so only by motion after December 27, 2024.
7. Pursuant to this Court's November 12, 2024 Notice of Hearing Order, a hearing has been scheduled for February 25-27, 2025.
8. Complainant requests that this Court allow Complainant to supplement its prehearing exchange with the following additional information:
  - a. Contrac 12455-79 EPA Approved Master Label, hereby attached as CX30.
  - b. Final 12455-89 EPA Approved Master Label, hereby attached as CX31.
  - c. Talon 100-1055 EPA Approved Master Label, hereby attached as CX32.
9. Complainant communicated its intention to file this motion to Respondent's attorney via e-mail on January 23, 2025. Complainant then discussed its intention with Respondent's attorney via phone call on January 23, 2025. Complainant sent Respondent's attorney the proposed exhibits on January 24, 2025 prior to the filing of this motion. Respondent has communicated no objection to the filing of this motion.
10. Granting this motion will not cause any unreasonable delay or undue burden to Respondent.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of January, 2025.

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For the Complainant  
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CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Supplement Complainant's Prehearing Exchange, Docket No. FIFRA-07-2023-0135, has been submitted electronically using the OALJ E-Filing System.

A copy was sent via email to Mr. Melvin Raymond, counsel for Respondent, at *mraymondattorney1@att.net*.

Date: January 28<sup>th</sup>, 2025

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