



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

In the Matter of:)
)
Freedom Performance, LLC,) **Docket No. CAA-HQ-2019-8362**
)
Respondent.)

**ORDER ON COMPLAINANT'S MOTION FOR DEFAULT JUDGMENT AND
ORDER**

A. PROCEDURAL HISTORY

This proceeding was commenced on March 18, 2019 with the filing of a Complaint¹ by the Complainant, the Director of the Air Enforcement Division, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency (EPA), against Respondent, Freedom Performance, LLC. The Complaint charges Respondent in three counts with 13,928 violations of Section 203(a)(3)(B) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3)(B). The violations arise from Respondent's sale or offers to sell, parts or components intended to bypass, defeat, or render inoperative devices or design elements installed on or in a motor vehicle in compliance with CAA regulations, between May 1, 2015 and November 1, 2016. As sanction for the violations, the Complaint seeks imposition of an administrative penalty assessed pursuant to Section 205(a) of the Clean Air Act (CAA), 42 U.S.C. § 7524(a)

On April 3, 2019, EPA submitted Proof of Service of the Complaint upon the Respondent in accordance with 40 C.F.R. § 22.5(b)(1) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties (Rules), which are applicable to this proceeding. In support thereof, Complainant attached an e-mail dated April 3, 2019, from Respondent's counsel, George Gramling, Esq., accepting service of the Complaint on behalf of Respondent and waiving the requirement for service by any other method as provided in Rule 22.5(b)(1) (40 C.F.R. § 22.5(b)(1)).

A Joint Motion for Extension of Time for Respondent to Answer Complaint was filed on April 15, 2019. As good cause for seeking the extension, the parties represented that they were actively engaged in settlement discussions to amicably resolve this matter. On April 19, 2019, the undersigned was designated to preside over this matter and on that day issued an order granting the parties' extension request. The deadline for Respondent to answer the Complaint was extended to June 11, 2019. Prior to that deadline arriving, specifically on May 17, 2019, Mr. Gramling filed a Notice of Withdrawal as Counsel of Record for Respondent.

¹ EPA identified the Complaint as including material claimed to be confidential business information (CBI) pursuant to 40 C.F.R. § 2.203. Therefore, Complainant filed a redacted copy of the Complaint for inclusion in the public record and an unredacted copy, identified as CBI-protected, with the Tribunal.

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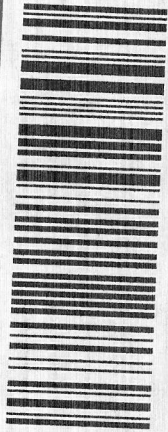


United States
Environmental Protection Agency
Washington, DC 20460

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Penalty for Private Use \$300.00

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Geoffrey Kemper
Registered Agent
Freedom Performance LLC
3910 Goodrich Avenue, Unit 1
Sarasota, FL 34234

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Goodfrey Kemper
 Registered Agent
 Freedom Performance LLC
 3910 Goodrich Avenue, Unit 1
 Sarasota, FL 34234

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 Agent
 Addressee

B. Received by (Printed Name)
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 If YES, enter delivery address below:
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3. Service Type
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4. Restricted Delivery? (Extra Fee)
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2. Article Number
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