



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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IN THE MATTER OF:)
Destination Maui, Inc.,) Docket No. TSCA-09-2013-0010
Respondent.)

ORDER GRANTING MOTION TO FILE AMENDED COMPLAINT

By Motion dated January 29, 2014, Complainant sought leave to file an Amended Complaint. The stated purpose of the Motion is to amend the original Complaint filed in this action on September 4, 2013 to remove fifteen ("15") of the sixty-one ("61") violations alleged therein based upon new information received after the action was initiated. The Motion indicates that the Respondent supports the amendment.

Section 22.14(c) of the Rules of Practice (40 C.F.R. § 22.14(c)) provides that once an answer has been filed, the Complainant may amend the Complaint only upon motion granted by the Presiding Officer. However, the Rules of Practice provide no standard for determining when leave to amend should be granted. Rule 15(a) of the Federal Rules of Civil Procedure concerning amended pleadings provides that "leave [to amend] shall be freely given when justice so requires." The United States Supreme Court has interpreted this Rule to mean that there should be a "strong liberality...in allowing amendments" to pleadings. Forman v. Davis, 371 U.S. 178 (1962). Leave to amend pleadings under Rule 15(a) should be given freely in the absence of any apparent or declared reason, such as undue delay, bad faith, or dilatory motive on the movant's part, repeated failure to cure deficiencies by previous amendment, undue prejudice, or futility of amendment. Id.

Therefore, the Motion is hereby, GRANTED, and Complainant shall file its Amended Complaint within 10 days from the date of this Order.

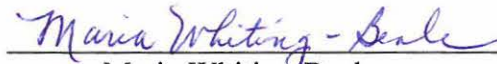
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Susan L. Biro
Chief Administrative Law Judge

Date: February 20, 2014
Washington, D.C.

In the Matter of Destination Maui, Inc., Respondent
Docket No. TSCA-09-2013-0010

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To File Amended Complaint**, dated February 20, 2014, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: February 20, 2014

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