

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

LHP, LLC
130 N. 27TH Street, #6
Lincoln, Nebraska

Respondent

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Docket No. TSCA-07-2014-0029

LHP, LLC'S
MOTION TO SUPPLEMENT PREHEARING EXCHANGE

NOW COMES, Respondent, LHP, LLC. ("LHP") by and through its undersigned attorneys, pursuant to this Court's Scheduling Order, hereby moves this Court for leave to supplement its prehearing exchange. In support hereof, LHP states as follows:

1. Respondent recently obtained additional documents relevant to this matter through a Freedom of Information Act Request ("FOIA Request") and discovered additional relevant documents relating to this matter. Petitioner has told Respondent it does not object to RX3-RX13 supplementation since all of the documents were found in the FOIA Request; these documents include:
 - a. **Proposed Group RX3:** December 3, 2012 email requesting review of properties owned by Respondent suggesting targeting of Respondent, and 7 maps relating thereto that list properties in accordance with minorities and below poverty levels.

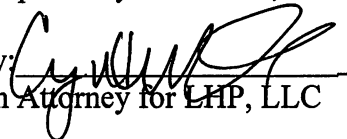
- b. **Proposed RX4:** handwritten notes by Candice Bednar relating to the subject Property and investigation.
 - c. **Proposed RX5:** Emails between the Inspector of the subject property, Paul Clark and owner of LHP, LLC dated November 2012
 - d. **Proposed RX6:** Draft handwritten inspection report.
 - e. **Proposed RX7:** Email from January 23, 2013
 - f. **Proposed RX8:** Email from December 14, 2012
 - g. **Proposed RX9:** Email string from December 2, 2012 to December 3, 2012
 - h. **Proposed RX10:** Email from December 27, 2012
 - i. **Proposed RX11:** Paul Clark Weekly Activity Report Jan 12, 2013-Jan 25, 2013¹
 - j. **Proposed RX12:** Email string from September 17, 2013
 - k. **Proposed RX13:** Email from September 16, 2013
3. In addition, LHP, LLC submits its renovation Note Summary and Checklist that was in its files as **Proposed RX14**.
4. Additional Witnesses. Respondent request that Anita Rockenback be added to Respondent's witness list. Ms. Rockenback has knowledge as the status of the house before renovations and Complainant has indicated it wanted someone who can authenticate the "Before" picture found in RX1. The RX1 picture is the listing picture and Ms. Rockenback will testify that this was the state the property was in at closing. Petitioner has told Respondent it does not object to the addition of Ms. Rockenback
5. These exhibits and one additional witness will not unduly prejudice Complainant.

¹ This document is redacted as "nonresponsive" and a request for the full document will be made

CONCLUSION

WHEREFORE, Respondent LHP, LLC respectfully request that the Honorable Administrative Law Judge enter an order allowing Respondent to supplement its prehearing exchange as listed above in paragraphs 1, 2 and 3, and for all further and other relief deemed just and equitable.

Respectfully Submitted,

By: 
An Attorney for LHP, LLC

DELANEY LAW, PC
Attorney No. 44350
444 N. Wabash Ave, Ste 300
Chicago, Illinois 606011
(312) 276-0263