



UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
SERVICE SUPPLY OF VICTORIA,)	DOCKET NO. CAA-06-2009-3374
)	CAA-06-2009-3375
)	
)	
RESPONDENT)	

ORDER DENYING COMPLAINANT'S MOTION TO AMEND THE TIMING OF
 PREHEARING EXCHANGE SUBMISSIONS

On November 17, 2009, Complainant filed a Motion to Amend the Timing of Prehearing Exchange Submissions which were set forth in the undersigned's Order to Reinstate Prehearing Exchange. Complainant requests that Respondent be required to submit its prehearing exchange simultaneously with the Complainant's submission. Complainant states that simultaneous prehearing exchanges will encourage Respondent to be more eager to finalize a settlement that the parties have been working on for some time. Complainant contends that Respondent will wait to finalize the settlement after Complainant files its prehearing exchange, forcing Complainant to do additional work.

Complainant's argument that the staggered prehearing exchange schedule will allow Respondent to finalize the settlement after Complainant files its prehearing exchange is misguided. Complainant's litigation/settlement strategy is within its own discretion and is not appropriate for consideration by the undersigned. Accordingly, Complainant's Motion to Amend the Timing of Prehearing Exchange Submissions is **DENIED.**

Barbara A. Gunning

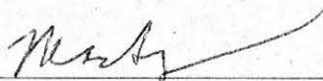
 Barbara A. Gunning
 Administrative Law Judge

Dated: November 18, 2009
 Washington, DC

**In the Matter of *Service Supply of Victoria*, Respondent.
Docket Nos. CAA-06-2009-3374 & CAA-06-2009-3375**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Denying Complainant's Motion to Amend the Timing of Prehearing Exchange Submissions**, dated November 18, 2009, was sent this day in the following manner to the addressees listed below.



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Legal Staff Assistant

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Dated: November 18, 2009
Washington, D.C.