



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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IN THE MATTER OF)
LIPHATECH, INC.,)
RESPONDENT.)

DOCKET NO. FIFRA-05-2010-0016

ORDER ON COMPLAINANT'S MOTION FOR LEAVE TO FILE DECLARATION

On February 22, 2011, Complainant filed a Reply in Support of its Motion for Accelerated Decision on Liability for Counts 2,184 through 2,231 of the Complaint ("Reply"). On February 25, 2011, Complainant filed a Motion for Leave to File Declaration ("Motion") requesting permission to submit a Declaration of Ms. Claudia Niess ("Declaration"). Complainant states in the Motion that the Declaration was inadvertently omitted from the Reply due to a clerical error. Motion at 1. Complainant also states that a copy of the Declaration has already been provided to Respondent Liphatech. Id. On March 2, 2011, Respondent submitted a letter stating that it had no objection to Complainant's instant Motion. For good cause shown, the Complainant's unopposed Motion is GRANTED. The Declaration, and its exhibits, are received and attached to the Reply.

Handwritten signature of Susan L. Biro

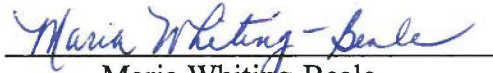
Susan L. Biro
Chief Administrative Law Judge

Dated: May 5, 2011
Washington, DC

In the Matter of Liphatech, Inc., Respondent
Docket No. FIFRA-05-2010-0016

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Motion For Leave To File Declaration**, dated May 4, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: May 4, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60604-3590

Copy By Pouch Mail To:

Nidhi K. O'Meara, Esquire
Gary E. Steinbauer, Esquire
Cynthia King, Esquire
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U.S. EPA
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Copy By Regular Mail To:

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