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

BEFORE THE ADMINISTRATOR

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IN THE MATTER OF)	C1
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)	
LHP, LLC)	
130 N. 27 TH Street, #6) I	Oocket No. TSCA-07-2014-0029
Lincoln, Nebraska)	
)	
Respondent)	
)	

LHP, LLC'S MOTION IN LIMINE

NOW COMES, Respondent, LHP, LLC. ("LHP") by and through its undersigned attorneys, pursuant to this Court's Scheduling Order, hereby moves this Court to grant its Motions in Limine. In support hereof, LHP states as follows:

- 1. Exclude anyone other than Respondent's witnesses who have personal knowledge and the Inspector, Paul Clark, from testifying as to the condition of the property. Only parties with personal knowledge should be able to testify as to the condition of the property that was inspected. It is not disputed that the only persons with personal knowledge for Petitioner is Paul Clark.
- 2. Exclude witnesses other than one representative of the EPA and one representative of LHP, LLC from the hearing room until their testimony (including rebuttal) is complete.
- 3. Exclude any evidence of other violations or investigation of the EPA into LHP, LLC. Other violations or investigations relating to LHP, LLC, are not relevant to this matter as they do not increase or decrease the likelihood that LHP, LLC committed the violations alleged.

Furthermore, if LHP, LLC is found liable, this information does not affect the penalty

imposed on LHP, LLC.

4. Exclude any evidence of other properties owned by LHP, LLC. Other properties owned

by LHP, LLC are not relevant to this matter for any reason and would only serve to confuse

the issues involved in this matter. The fact that LHP, LLC owns no other properties or

fifty other properties is not relevant to this matter as this does not increase or decrease the

likelihood that LHP, LLC committed the violations alleged. Furthermore, if LHP, LLC is

found liable, this information does not affect the penalty imposed on LHP, LLC.

5. Exclude the use of LHP's website. The information contained on the website is not relevant

to this matter for any reason and does not increase or decrease the likelihood that LHP,

LLC committed the violations alleged. Furthermore, if LHP, LLC is found liable, this

information does not affect the penalty imposed on LHP, LLC.

CONCLUSION

WHEREFORE, Respondent LHP, LLC respectfully request that the Honorable

Administrative Law Judge enter an order granting Respondent's Motions in Limine 1, 2, 3, 4 and

5 and for all further and other relief deemed just and equitable.

Respectfully Submitted,

By: /s/ Cynthia Rote

An Attorney for LHP, LLC

DELANEY LAW, PC Attorney No. 44350

444 N. Wabash Ave, Ste 300

Chicago, Illinois 606011

(312) 276-0263

CERTIFICATE OF SERVICE

Cynthia M Rote certifies that she caused one original and one copy of LHP, LLC's Motion for Subpoena and Motion in Limine to be served upon the Office of Administrative Law Judges (address below) and one copy to be served upon Complainant (address below) on January 15, 2016, via FedEx.

Sybil Anderson, Headquarters Hearing Clerk Office of Administrative Law Judges U.S. Environmental Protection Agency Ronald Reagan Building, Room M1200 1300 Pennsylvania Avenue, NW Washington, DC 20004

Robert W. Richards, Attorney U.S. Environmental Protection Agency 11201 Renner Boulevard Lenexa, Kansas 66219

/s/ Cynthia Rote
Cynthia M Rote

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