

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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In the Matter of )  
 )  
Reckitt Benckiser LLC, et al., ) FIFRA Docket No. 661  
 )  
 )  
Petitioners. )

**PREHEARING EXCHANGE OF PETITIONERS DO IT BEST CORP, LOUISVILLE  
APARTMENT ASSOCIATION, AND GREATER CINCINNATI NORTHERN  
KENTUCKY APARTMENT ASSOCIATION**

The Louisville Apartment Association, Greater Cincinnati Northern Kentucky Apartment Association, and Do it Best Corp (“Users and Retailer Petitioner” or “Petitioner”) respectfully submits its prehearing exchange.

**A. Witness and Summary of Expected Testimony**

Gale F. Lively is the Executive Vice President of the Louisville Apartment Association, an organization of over 300 owners of multi-unit residential buildings and 50,000 units of residential housing. She has held that position for 36 years. For five previous years, she worked as a manager in multi-unit residential buildings.

Ms. Lively will be called primarily as a fact witness to present testimony about how her members use rodenticide products and their experience with such products. She is also, however, an expert in multi-unit residential management and in the activities landlords must undertake to provide a clean and safe home for their tenants. She will testify on likely actions her members will pursue if the d-Con rodenticides are no longer available. Ms. Lively’s resume is attached hereto.

Petitioner respectfully reserves the right to supplement its list of witnesses upon adequate notice to the other parties.

**B. Exhibits**

At this time Petitioner does not intend to introduce any exhibits, but reserves the right to file exhibits upon adequate notice to the other parties.

**C. Official Notice**

Petitioner is unaware of any matters of which official notice should be taken, but reserves the right to move for official notice of matters as appropriate.

**D. Location of Hearing/Duration of Direct Case**

Since so many of the participants in the hearing are located in the Washington, D.C. area, Petitioner believes this area is the most appropriate site for the hearing. Petitioner estimates that it can present its direct case in one hour if its witness provides her direct testimony orally. If Petitioner is permitted to submit written testimony, obviously no time will be required for its direct case.

**E. Submission of Questions of Scientific fact to the NAS**

Petitioner does not, at this time, intend to request the submission of any questions to a committee of the NAS. Petitioner may support requests made by other parties.

Respectfully submitted,

Dated: 3/14/14

By: 

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**CERTIFICATE OF SERVICE**

I hereby certify that the original and one copy of this Prehearing Exchange were filed with the Headquarters Hearing Clerk and a copy hand delivered to the office of:

The Honorable Susan L. Biro  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1300 Pennsylvania Avenue, NW  
Washington, DC 20460

I further certify that true and correct copies were sent by e-mail to the following parties:

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Steven Schatzow

**Vita of Gale F. Lively**  
**Executive Vice President**  
**Louisville Apartment Association**

Gale is a native West Virginian. She earned an Associates Degree from Virginia Intermont College for Women and went on to earn a Bachelor of Science Degree in Biology and minor in Political Science from Charleston University. After graduating cum laude, she taught school in Kanawha County, West Virginia.

In 1964, Gale married Neil Lively and moved to Kentucky in 1971. Her start in the multi-family industry began at Old Town Village in Clarksville, Indiana. She continued her career at Plainview Apartments and LaFontenay Apartments. In 1977, she was named Executive Vice President of the Louisville Apartment Association, a position she has held for 36 years.

Gale has a wealth of knowledge of the apartment business and has worked diligently to improve the multi-family housing industry. She has spent countless hours working with Louisville Metro Government and the Kentucky Legislature on issues that affect the local and state-wide multi-family housing industry.

Gale has served on several key committees at the National Apartment Association including the Legislative Committee, Conference Committee, Lease Committee and Membership Committee. She was selected as Executive Officer of the year and President of the Association Executive Council. She has made many contacts with other leaders in the industry that allow her to access information on personnel, legal, and fair housing issues. Her political contacts through the Louisville Apartment Association have been instrumental in directing political issues relating to the apartment industry.

Gale is an avid fund raiser for those that support issues that face the multi-family housing industry. Those she has raised funds for include: President George W. Bush, Senator Mitch McConnell (R-KY), Congressman Brett Guthrie (R-KY), Congresswoman Shelly Moore Capito (R-WV), and Governor Ernie Fletcher (R-KY). She currently serves on the Board of Directors for Operation Open Arms and has co-chaired their annual fundraising event, "Silks in the Bluegrass," for the past two years.