2/19/93

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of	)	
	)	
Dr. Robert Schattner, President and Sporicidin International, Inc., a/k/a Sporicidin Company,	)	Docket No. FIFRA-92-H-02
	)	
Respondents	)	

ORDER STRIKING OBJECTIONS AND ORDERING PRODUCTION OF DOCUMENTS

Under date of January 26, 1993, Sporicidin served a motion to clarify its request for production of documents which was filed on July 17, 1992. The motion to clarify asks that Complainant be compeled to produce certain internal EPA critiques and analyses of the FDA laboratory testing at issue in the instant case. Complainant made no response to the motion within the 15-day period (10 days provided by Rule 22.16(b) plus 5 additional days provided for by Rule 22.07(c) where service is by mail), which expired on February 10, 1993. Complainant filed objections to the motion on February 18, 1993, and asked for an extension of time until March 10, 1993, to submit arguments and authorities in support of its contention that the documents sought were irrelevant and beyond the scope of discovery.

Because Complainant's objections were not timely filed, it is deemed to have waived any objection to the motion, its objections are struck and Complainant is ordered to produce the documents described in Sporicidin's motion for clarification on or before March 4, 1993.*

Dated this 19th day of February 1993.

Spencer T. Nissen
Administrative Law Judge

* After these documents are produced, I intend to schedule a pre-hearing conference to discuss, inter alia, admissibility of proposed exhibits and a date for hearing.

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Order Striking Objections and Ordering Production of Documents, was filed in re Dr. Robert Schattner, President and Sporicidin International, Inc., a/k/a Sporicidin Company, Docket No. FIFRA-92-H-02 and copies of the same were served upon the following:

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Dated: February 19, 1993
Washington, D.C.