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JOSEPH J. ARONICA  
DIRECT DIAL: 202.776.7824

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February 2, 2007

**VIA HAND DELIVERY**

The Honorable William B. Moran  
 United States Administrative Law Judge  
 United States Environmental Protection Agency  
 Office of Administrative Law Judges  
 Franklin Court Building, Suite 350  
 1099 14<sup>th</sup> Street N.W.  
 Washington, D.C. 20005

**Re: In the Matter of Franklin D. Raines, et al. Notice No. 2006-1**

Dear Judge Moran:

Pursuant to the Court's instructions, in contemplation of the hearing on February 7 at 9:30 a.m., listed are some of the issues that OFHEO believes should be addressed at the hearing:

1. OFHEO's proposed Scheduling Order;
2. OFHEO's proposed Protective Order;
3. Status of OFHEO's Motion to Docket *Ex Parte* requests for recusal;
4. OFHEO's Motions to limit or strike Respondents' Discovery Requests.

Additionally, OFHEO wishes to advise the Court that it will be requesting the issuance of third party subpoenas from this Court. OFHEO also anticipates filing a motion to quash to the extent that Respondent Raines' third party subpoenas request privilege information unless such subpoenas are modified prior to issuance.

Enclosed is a Word Perfect disk on which can be found OFHEO's proposed Scheduling Order, OFHEO's proposed Protective Order and OFHEO's Second Request for Documents from Respondents.

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Should the Court require anything further, we will be happy to provide it. Thank you for your consideration.

Sincerely,

Joseph J. Aronica

cc. Kevin Downey, Esquire  
Steven Salky, Esquire  
David Krakoff, Esquire