

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 NOV 17 PM 5:10
REGIONAL HEARING
CLERK

In the Matter of:

Philadelphia Furniture, LLC,
Salamanca, New York

Respondent

In a proceeding under the Clean Air Act,
42 U.S.C. § 7401, et seq., 42 U.S.C.
§ 7413(d), Section 113(d)

CAA-02-2009-1215

Hon. Barbara A. Gunning,
Administrative Law Judge

STATUS REPORT

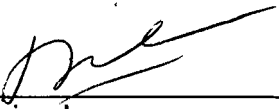
In accordance with the Prehearing Order (Order), dated October 7, 2009, the Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 (EPA), through her attorney, provides the Court with this status report regarding settlement.

Complainant and Philadelphia Furniture, LLC (Respondent), through its attorney, Damon Morey, LLP, have been in contact regarding prospects of settlement. Respondent has provided Complainant with a copy of Respondent's 2007 tax returns and is in the process of obtaining financial records from Respondent's accountants for 2008. Respondent expressed financial difficulties related to sending client representatives to meet with Complainant before compiling the information necessary for a constructive settlement meeting. The parties have discussed teleconference meetings as a way to further the settlement negotiations while Respondents are still gathering relevant

documents. Complainant will be scheduling a teleconference and/or in-person settlement negotiation with Respondent shortly.

On October 23, 2009, pursuant to 40 C.F.R. § 22.16(a), Respondent filed a motion for an extension of time to file the prehearing exchange. Complainant concurred upon this motion. On October 28, 2009, the motion was granted.

Dated: November 17, 2009
New York, New York



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TO: Honorable Barbara A. Gunning
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U.S. Environmental Protection Agency
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John T. Kolaga, Esq.
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CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed a copy of the foregoing Status Report, dated November 17, 2009, bearing the docket number CAA-02-2009-1215, and this Certificate of Service by Pouch Mail to:

Honorable Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

I also certify that I have this day hand-carried the original and one copy of the foregoing Status Report, along with the original of this Certificate of Service to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

I also certify that I have this day caused to be mailed a copy of the foregoing Status Report, and this Certificate of Service by Regular Mail to:

John T. Kolaga, Esq.
Damon Morey, LLP
The Avant Building – Suite 1200
200 Delaware Avenue
Buffalo, NY 14202-2150

Dated: November 17, 2009
New York, New York



Denise C. Leong