

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF)
) Docket No. RCRA-04-2008-4008
FBF Nuclear Container, LLC)
 and)
Metal Solutions Design & Fabrication, LLC)
 and)
Mr. David Berger)
)
 Respondents.)
_____)

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HEARING CLERK

ORDER GRANTING MOTION TO EXTEND STAY OF PROCEEDINGS

PLEASE TAKE NOTICE, at the request of the parties a conference call was held on April 23, 2009, with counsel for Complainant and Respondents in the above-captioned matter, Michael T. Newton, Esq., and Brian M. Babb, Esq., respectively. Counsel for Complainant made an unopposed Motion for an additional thirty day extension to the Stay of Proceedings granted in this matter on March 23, 2009. The Stay had required the parties to finalize the Consent Agreement and Final Order (CAFO) in this matter on or before April 30, 2009. However, Mr. Newton explained that due to his father's unforeseen and serious illness in April, he was unable to attend to this matter as originally anticipated. Based upon the reasons provided, sufficient cause exists to grant Complainant's motion.

IT IS ORDERED:

1. The above-captioned matter is hereby stayed until **June 1, 2009**.
2. No later than **June 1, 2009**, Counsel for Complainant is to provide the undersigned a copy of an executed CAFO.

3. Should the parties reach an impasse in settlement, I am to be notified immediately.

Date: April 23, 2009

Susan B. Schub
Susan B. Schub
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Order Granting Motion to Extend Stay of Proceedings, in the Matter of FBF Nuclear Container, LLC and Metal Solutions Design & Fabrication, LLC and Mr. David Berger, Docket No., RCRA-04-2008-4008, SDWA-04-2005-1016, on the parties listed below in the manner indicated:

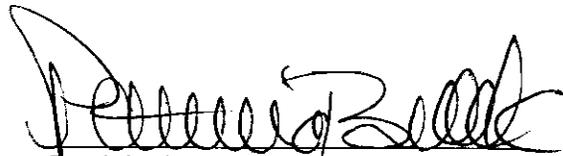
Brain M. Babb, Esq. and
David A. Meyer, Esq.
Keating Muething & Klekamp PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202

Certified Mail – (Return
Receipt Requested)

Michael T. Newton, Esq.
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(via Intra-Office Mail)

Date: 4-27-09



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 4
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Atlanta, GA 30303
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