



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

U.S. ENVIRONMENTAL
PROTECTION AGENCY

2011 JUN 13 P 6:03

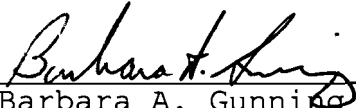
BEFORE THE ADMINISTRATOR

HEARING CLERK

IN THE MATTER OF)
)
PROTO PROPERTY SERVICES, LLC,) DOCKET NO. TSCA-02-2010-9266
)
RESPONDENT)

ORDER CLOSING CASE

On June 8, 2011, the undersigned received from Complainant a filing entitled "Complaint Withdrawal" in which Complainant states that it is withdrawing the administrative Complaint in this matter. The filing did not state whether Complainant sought to withdraw the Complaint with or without prejudice. Under 40 C.F.R. § 22.14(d), after an Answer is filed withdrawal without prejudice can only be accomplished upon motion granted by the Presiding Officer. By telephone conversation with the undersigned's staff attorney, counsel for Complainant stated that the Complaint was intended to be withdrawn with prejudice. Given the representations of counsel for Complainant, and the fact that no motion has been filed, the Complaint is deemed to have been withdrawn with prejudice. This matter will be closed and removed from the docket.



Barbara A. Gunning
Administrative Law Judge

Dated: June 9, 2011
Washington, DC

**In the Matter of *Proto Property Services, LLC*, Respondent.
Docket No. TSCA-02-2010-9266**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this **Order Closing Case**, issued by Barbara A. Gunning, Administrative Law Judge, dated June 9, 2011, in Docket No. TSCA-02-2010-9266, was sent to the following parties on this 9th day of June 2011, in the manner indicated:



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Fx: 212.637.3199

Copy by Facsimile and Pouch Mail to:

Stuart N. Keith, Esq.
Office of Regional Counsel
ORC / U.S. EPA / Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Fx: 212.637.3199

Copy by Facsimile and Regular Mail to:

Robert F. Moraco, Esq.
Simon Eisenberg & Baum, LLP
24 Union Square East, 5th Floor
New York, NY 10003
Fx: 212.353.1708

**Dated: June 9, 2011
Washington, DC**