



UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
 PROTECTION AGENCY-REG-11
 2008 JUN 10 AM 8:59
 REGIONAL HEARING
 CLERK

IN THE MATTER OF)
)
 Palmas Lakes, Inc.,)
 and) DOCKET NO. CWA-02-2007-3410
 F&R Contractors Corporation,)
)
 RESPONDENTS)

ORDER ON RESPONDENTS' COUNSEL'S MOTION FOR WITHDRAWAL OF LEGAL REPRESENTATION

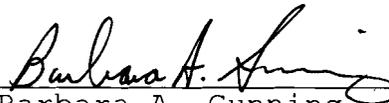
Counsel for the Respondents, Attorney Rafael A. Toro-Ramírez, has filed a motion to withdraw as attorney of record, entitled Motion for Withdrawal of Legal Representation ("Mot. for Withd. of Legal Repr'n"), dated May 27, 2008. In support of this motion, Attorney Toro-Ramírez states that in a recent telephone conference he was informed by Sister-Counsel Hilda Quiñones, of the law offices of Adsuar Muñoz Goyco Seda & Pérez Ochoa, that she was assuming the legal representation of F&R Construction Corporation. Attorney Toro-Ramírez further states that as the legal representative and counsel of record in the instant case for both respondents, he is left "with a conflicting situation or a possible conflicting situation regarding the individual rights and/or defenses of each respondent," which requires him to withdraw as counsel. Mot. for Withd. of Legal Repr'n ¶¶ 3-4.

In this motion, Attorney Toro-Ramírez directs that all future pleadings, motions, orders and correspondence regarding Respondent F&R Construction Corporation should be addressed to attorney Hilda Quiñones, while all future pleadings, motions, orders and correspondence regarding Respondent Palmas Lakes should be addressed directly to Respondent Palmas Lakes. *Id.* ¶¶ 5-6. Further, Attorney Toro-Ramírez requests a time period of 30 days to announce new legal representation for Respondent Palmas Lakes, as he does not presently know who will be assuming legal representation over Respondent Palmas Lakes. *Id.* ¶ 6.

The file before me reflects that on March 14, 2008, the undersigned entered a Prehearing Order directing the parties to

file their prehearing exchanges. The Complainant's prehearing exchange is due June 20, 2008. The Respondents' prehearing exchanges are due July 21, 2008.

In view of the pending Prehearing Order, counsel's motion to withdraw as attorney of record for Respondents is granted subject to counsel certifying that he has informed both Respondents of his withdrawal and provided Respondents with adequate notice of the pending Prehearing Order.^{1/} Respondents are advised that the granting of this motion does not disturb the requirement for meeting the July 21, 2008, deadline for filing their prehearing exchanges. See *Matter of Turner Copter Services, Inc.*, FIFRA Appeal No. 85-4, 2 E.A.D. 96 (CJO, Nov. 5, 1985). Attorney Toro-Ramírez's request for a 30 day time period to announce new legal representation is granted, but such does not relieve substitute counsel for Palmas Lakes from complying with the deadlines in the Prehearing Order.


Barbara A. Gunning
Administrative Law Judge

Dated: June 5, 2008
Washington, DC

^{1/} Attorney Toro-Ramírez certifies that he has mailed a copy of his motion to withdraw to Silvia Carreño, counsel for United States Environmental Protection Agency ("EPA") Region 2 (the Complainant); to Wanda García, Chief of the Permit Section of the Water Quality Division of the Environmental Quality Board of Puerto Rico; to Hilda Quiñones, professed substitute counsel for F&R Construction Corporation; and to Karen Maples, Regional Hearing Clerk for EPA Region 2. I note that Attorney Toro-Ramírez makes no certification that he served this motion on Respondents, informing Respondents of his pending withdrawal. I also note that Attorney Quiñones has not entered an appearance in this matter. See 38 C.F.R. § 22.10.

**In the Matter of *Palmas Lakes, Inc., and F&R Contractors Corporation*, Respondent.
Docket No. CWA-02-2007-3410**

CERTIFICATE OF SERVICE

I certify that the foregoing Order on Respondents' Counsel's Motion for Withdrawal of Legal Representation, dated June 5, 2008, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
U.S. EPA / Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Pouch Mail to:

Silvia Carreño Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region II, Caribbean Field Division
Centro Europa Building
1492 Ponce de Leon Ave., Ste. 417
San Juan, PR 00907-1417

Copy by Regular Mail to:

Rafael A. Toro-Ramirez, P.E., Esq.
Toro & Arsuaga
P.O. Box 11064
San Juan, PR 00922-1064

Palmas Lakes, Inc.
P.O. Box 191334
San Juan, PR 00919

Hilda Quiñones, Esq.
Adsuar Muñiz Goyco Seda & Pérez Ochoa, P.S.C.
P.O. Box 70294
San Juan, PR 00936-8294

**Dated: June 5, 2008
Washington, D.C.**