

RECEIVED
JAN - 4²⁰ 2012

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:) DOCKET NO.: TSCA-05-2011-0012
KEITH MIRMAN,)
)
Respondent.)
)

**MOTION OF RESPONDENT FOR LEAVE TO FILE PREHEARING EXCHANGE OUT
OF TIME**

Respondent, Keith Mirman, pursuant to Section 22.16(a) of the Rules of Practice, 40 C.F.R. Section 22.16(a), respectfully requests that the Administrative Law Judge grant to Respondent leave to file Respondent's Prehearing Exchange, and as grounds therefor, states as follows:

1. The Claimant and Respondent have agreed in principle to the settlement of this matter.
2. Counsel for the Claimant does not oppose this extension, and believes that an extension would be in the best interest of both parties as it will allow the parties additional time to document the settlement.
3. Respondent seeks a third extension to avoid incurring further legal fees associated with the preparation of Respondent's Prehearing Exchange that may never need to be filed.
4. Because the U.S. EPA has not had an adequate opportunity to review the parameters of Respondent's proposed Supplemental Environmental Project, the parties believe that a thirty (30) day time extension from January 4, 2012 until February 3, 2012, will facilitate

the settlement process; Respondent will, if the matter does not resolve, file his Prehearing Exchange by February 3, 2012.

Respectfully submitted,

David W. Hilkert

David W. Hilkert (#0023486)
BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP
3800 Embassy Parkway
Akron, OH 44333
Telephone: (330) 376-5300
Fax: (330) 252-5521
Email: dhilkert@bdblaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served via facsimile and regular U.S. mail this 28th day of December, 2011, upon:

Steven P. Kaiser
Associate Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604
Attorney for Environmental Protection Agency

The Honorable Barbara A. Gunning
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue NW
Mail Code 1900L
Washington, DC 20460

Original via Overnight Delivery to:

LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA – Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

David W. Hilkert

David W. Hilkert #0023486

