



BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP

Attorneys & Counselors at Law

Experience. Service. Excellence.SM

3800 Embassy Parkway Suite 300 Akron, Ohio 44333-8332
330.376.5300 Toll Free 800.686.2825 Fax 330.258.6559 www.bdblaw.com

Akron
Boca Raton
Canton
Cleveland

David W. Hilkert, Esq.
P: 330-258-6521
F: 330-252-5521
E: dhilkert@bdblaw.com

November 14, 2011

Via Overnight Delivery

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

Re: In the Matter of: Keith Mirman
U.S. EPA Docket No.: TSCA-05-2011-0012

Dear Ms. Whitehead:

Enclosed please find an original and three (3) copies of the Motion of Respondent for Leave to File Status Report Out of Time. Please file the Motion at your earliest convenience and return a time-stamped copy to me in the enclosed self-addressed stamped envelope. Should you have any questions, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,

David W. Hilkert

DWH:cgp
Enc.

Cc: Steven Kaiser (w/enc.)
The Honorable Barbara A. Gunning (w/enc.)

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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 STATUS REPORT 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 him leave to file his belated Status Report and as grounds therefore states as follows:


1. The Claimant and Respondent are engaged in settlement discussions and there is a probability that this matter will be resolved.
2. Counsel for the Claimant does not oppose this extension.
3. Respondent, if the matter does not promptly settle, will file his status report, but seeks a short extension to avoid incurring further legal fees at this juncture.
4. Because of the holidays, the parties believe that a sixteen (16) day extension will be sufficient and the Respondent will, if the matter does not resolve, file his report by November 30, 2011.

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Respectfully submitted,



David W. Hilbert (#0023486)
BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP
3800 Embassy Parkway
Akron, OH 44333
Telephone: (330) 376-5300
Fax: (330) 252-5521
Email: dhilbert@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 14th day of November, 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. Hilbert #0023486