

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 North 5th Street

KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

09 AUG 31 AM 10: 54

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)

Fivestar Realty, Inc.)

Respondent)

) Docket No. TSCA-07-2009-0011

) MOTION FOR EXTENSION OF
) ALTERNATIVE DISPUTE
) RESOLUTION BY CONSENT
)

Respondent Fivestar Realty, Inc. respectfully requests an extension of time to complete alternative dispute resolution (“ADR”) for the above-captioned matter with Judge Spencer T. Nissen. Complainant consents to Respondent’s request.

On April 28, 2009, Judge Nissen entered an Order Initiating Alternative Dispute Resolution Process and Appointing Neutral. During the ADR conference on June 24, 2009, Complainant agreed to Respondent’s submittal of ability to pay documentation pursuant to settlement of the matter. As a result, the parties agreed to and requested a thirty (30) day extension to allow for thorough review of the documentation and any other settlement proposals offered by the parties. On July 29, 2009, Judge Nissen and Judge Susan L. Biro entered an Order extending the ADR period until August 28, 2009.

Respondent timely requested but is still waiting to receive documentation from a third party, its accountant, regarding the ability to pay. Accordingly, Respondent respectfully requests an additional thirty (30) days extension to allow for production and thorough review of the ability to pay documentation and Complainant consents to such

request. If Complainant and Respondent have not reached settlement of this matter within thirty days, the parties agree that ADR will terminate September 28, 2009.

For good cause shown, Respondent respectfully requests that the Presiding Officer extend the deadlines to terminate ADR as described herein.

RESPECTFULLY SUBMITTED this 28th day of August, 2009.

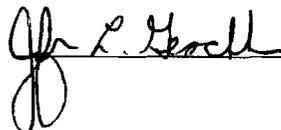
7700 Bonhomme, 7th Floor
St. Louis, Missouri, 63105

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th day of August, 2009, Respondent's Motion for Extension of Alternative Dispute Resolution was served via First Class mail, postage prepaid to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101

Chris Muehlberger, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas

 _____