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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the matter of:

Docket No. TSCA-05-2010-0001

Cindy Draher  
Akron, Ohio

Respondent/Defendant's Response to Order  
to Show Cause

**Respondent**

Counsel for Respondent/Defendant submits prior to filing of the Complaint that the Respondent/Defendant has experienced serious health disabilities to the point that counsel has not had access to acquire timely information as required in this proceeding.

At the same time, counsel elected to mediate the conflict on the information that was available.

Despite the client's disability, to that extent counsel could reasonably negotiate a conclusion and made a request to permit an office employee to research and review office records in order to respond the Court's order.

At the same time, counsel established continuous communication with counsel for the United States Environmental Protection Agency, Jeffery Trevino.

As a result, we have been able to establish a conclusion which I believe will result in a mutually beneficial resolution to all matters contained in the Complaint.

On March 22, 2012, we completed an office conference with the Respondent/Defendant and her office manager to review a proposed consent order.

The client still does not have the stamina or complete understanding since the consent order is quite extensive. The office manager agreed to take on the detail of what would be required to carry out the terms of the consent decree.

I have recommended the form of the consent decree and the financial detail required for the funding and performance and will now be in the hands of the office manager.

Part of the funding will be provided by the pending sale of two units with the excess required from loan funds either of US Bank or PNC Bank.

Counsel for the Respondent/Defendant is well aware as to the consequences of default and requests that an extension of the pre-hearing exchange be approved by the court.

At one point, counsel for the Respondent/Defendant submitted to the court his intention to withdraw from this proceeding; however, we have made substantial advances for a consent decree and I believe counsel for the Plaintiff will confirm our constant efforts to resolve this conflict.

We are in the process of turning over the detail to the office manager as the terms of the consent decree and the funding of the agreement, which will be sales and financing of the units.

Counsel for Respondent/Defendant submits to the Court that maximum effort has been made by him and his client to conclude this matter and an inquiry with counsel for the Plaintiff will confirm that fact.

I believe the final settlement will be more than a satisfactory result for the Plaintiff and will carry out the demands of the Plaintiff as well as the Court.

The client conference with the manager today to review a draft of a consent order as well as the means and the method of performing that agreement was beyond the stamina of the Respondent/Defendant.

As counsel for the Respondent/Defendant, counsel submits that the Respondent/Defendant is in good faith and has the utmost interest to conclude this matter soon and as amicably as possible. I was very impressed with the office manager and she has promised that the Defendant, for health and business reasons, wants this conflict to be concluded.


If the court would prefer to check with counsel for the Plaintiff as to our cooperation and good faith I would be most grateful.

There is good and ample cause for the lack of pre-hearing exchange. I believe with an extension and working with the office manager our recommendation, and now with the client approved terms, we can proceed with the settlement.

I would ask the Court to extend the time for the pre-hearing exchange for 90 days. Counsel has no reason to believe that the consent decree and the method of funding cannot be done in that time.

Respectfully submitted,

**SKIDMORE & ASSOCIATES**

  
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Akron, Ohio 44308  
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*Attorney for Respondent, Cindy Draher,  
C & D Properties*

**CERTIFICATE OF SERVICE**

I certify that copies of the forging Response to Order to Show Cause, dated March 19, 2012, issued by M. Lisa Buschmann, Administrative Law Judge was sent this 22<sup>nd</sup> day of March 2012 in the following manner to the addressees listed below.

Facsimile Transmission and regular U. S. mail to:

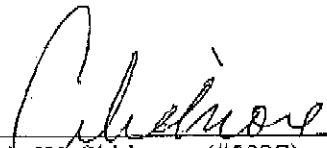
La Dawn Whitehead, Regional Hearing Clerk  
U.S. EPA, Region V., MC-E19J  
Office of Enforcement and Compliance Assurance  
77 West Jackson Blvd.  
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Facsimile Transmission to and regular U. S. mail:

Jeffery Trevino, Office of Regional Counsel (C-14J)  
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77 West Jackson Boulevard  
Chicago IL 60604  
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Archie W. Skidmore (#5037)