

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

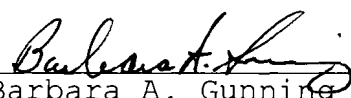
In the Matter of )  
 )  
AUDUBON COMMUNITIES ) DOCKET NO. TSCA-02-2007-9168  
MANAGEMENT, LLC, )  
 )  
 )  
Respondent )


REPORT RECOMMENDING TERMINATION  
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS  
AND ASSIGNMENT OF A JUDGE FOR LITIGATION

The Report of April 16, 2008 provides that this alternative dispute resolution (ADR) process terminates May 24, 2008. The recommendation of this Report is that the ADR process be terminated as scheduled, and that the case be assigned to a litigation Judge.

The reason for this recommendation is that the parties, after four months of the ADR process, have discussed a possible settlement but have not reached a final agreement. Accordingly, the case should now be assigned to a Judge to preside over a litigated resolution of this case.

The parties did, however, successfully use the ADR process to negotiate the framework for a possible settlement, and Complainant has drafted a proposed Consent Agreement and Final Order. The parties are encouraged to continue their negotiations to try to conclude a final settlement agreement. Finally, the undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge  
Dated: May 28, 2008

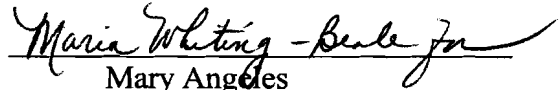
Approved:   
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: 5/28/08

In the Matter of Audubon Communities Management, LLC, Respondent  
Docket No. TSCA-02-2007-9168

Certificate of Service

I certify that the foregoing **Report Recommending Termination Of Alternative Dispute Resolution Process And Assignment Of A Judge For Litigation**, dated May 28, 2008, was sent this day in the following manner to the addressees listed below.

  
Mary Angeles  
Legal Staff Assistant

Dated: May 28, 2008

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