

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

In the Matter of:

Proto Property Services, LLC,

Respondent.

Proceeding Under Section 16(a)
of the Toxic Substance Control Act,

STATUS REPORT
MOTION FOR EXTENSION

Docket No. TSCA-02-2010-9266

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
REGIONAL HEARING
CLERK
2011 APR 12 P 3:31

STATUS REPORT AND MOTION FOR EXTENSION

In accordance with the Prehearing Order issued by Administrative Law Judge Barbara A. Gunning, the presiding officer in this case, dated January 21, 2011, counsel for Complainant was to submit Complainant's Initial Prehearing Exchange today.

The parties believe that a settlement in principle has been achieved, with a few minor details to be worked out. Therefore, counsel for Complainant requests a 45 day extension of the deadline to submit a fully executed Consent Agreement or the Initial Prehearing Exchange in light of the fact that the parties have agreed on most of the issues related to the case and so that we can focus on producing a settlement document. Counsel for Complainant apologizes for the lateness of this report, but these developments occurred today.

Sincerely,



Stuart N. Keith

Counsel for Complainant

Dated: _____

4/12/11

In the Matter of City of Proto Property Services LLC, Docket No. RCRA-02-2010-9266

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing STATUS REPORT bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.
U.S. EPA- Region II
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by FAX and Pouch Mail :

Barbara A. Gunning
Administrative Law Judge
EPA Office of Administrative Law Judges
1200 Pennsylvania Ave, NW
Mail Code 1900L
Washington, DC 20460

Copy by Certified Mail Return Receipt Requested:

Robert F. Moraco, Esq.
Simon, Eisenberg & Baum LLP
24 Union Square East, 5th Floor
New York, NY 10003

Dated: **APR 12 2011**
New York, New York


