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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

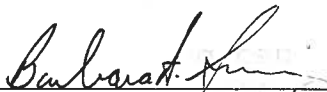
In the Matter of )  
 )  
ARETHA MARSHALL, ) DOCKET NO. TSCA-05-2008-0008  
 )  
 )  
 )  
Respondent )

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

The Report of September 26, 2008 provides that this alternative dispute resolution (ADR) process terminates November 8, 2008. The parties continue to make significant progress toward settlement in this matter. In a status report dated November 3, 2008, Complainant stated that they have reached a settlement and that a Consent Agreement and Final Order ("CAFO") has been circulated for negotiation and finalization for signature by the parties. Nonetheless, the CAFO has not been executed.

Therefore, I am recommending to the litigation judge that the parties, who have expended a great deal of effort and time in negotiating this settlement, be afforded additional time to finalize their settlement before the litigation process is initiated.

The parties are commended for their success in negotiating their agreement. The undersigned further 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: November 7, 2008

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

**In the ADR Matter of *Aretha Marshall*, Respondent.  
Docket No. TSCA-05-2008-0008**

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CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation**, dated November 7, 2008, was sent this day in the following manner to the addressees listed below.



Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Tywann Greene  
Acting Regional Hearing Clerk  
U.S. EPA / Region V / MC-13J  
77 West Jackson Blvd., 13<sup>th</sup> Floor  
Chicago, IL 60604-3590

One Copy by Pouch Mail to:

Jeffrey A. Cahn, Esq.  
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One Copy by Regular Mail to:

Jeffrey G. Collins, Esq.  
Phifer & White, P.C.  
1274 Library Street, Ste. 500  
Detroit, MI 48226

**Dated: November 7, 2008  
Washington, D.C.**