

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of: )

Sukhjinder S. Virk, Owner )  
Virks Gas and Grocery )

Docket No. RCRA-05-2010-0017

Respondent )  
\_\_\_\_\_ )

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**JOINT MOTION TO AMEND THE PREHEARING ORDER TO EXTEND  
THE PERIOD FOR THE PREHEARING EXCHANGES**

Counsel for the Parties hereby state that they have reached a settlement in principle of the claims in this matter. The Parties respectfully request, by and through their counsel, that the Prehearing Order in this matter be amended to extend the period for making the Prehearing Exchanges for a period of six (6) weeks in order to allow time for the Parties to prepare and execute a Consent Agreement and Final Order (CAFO) that embodies the settlement in principle.

In support of this request, the Parties state as follows:

1. On January 19, 2011, Administrative Law Judge Barbara A. Gunning issued a Prehearing Order directing the Parties to make their Prehearing Exchanges, beginning with the Complainant's Initial Prehearing Exchange due on February 16, 2011.
2. Since that time, the parties have discussed the merits of the case between themselves and have achieved a settlement in principle of the claims in this matter.
3. The parties need additional time in which to prepare and execute a written CAFO to memorialize the terms of the agreement.
4. An extension of the period for making the Prehearing Exchanges would facilitate the preparation and execution of a CAFO.

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Counsel for the Parties estimate that the preparation and execution of a written CAFO could require six weeks, as follows:

February 14	Complainant's draft CAFO sent to Respondent for review and comment
February 18	Respondent conveys comments on draft CAFO to Complainant
February 22-28	Counsel for Parties confer to resolve differences
February 28-March 4	Pre-Execution Review of Final CAFO by Complainant's Management
March 7	Final CAFO received by Respondent for Execution
March 7-11	Execution of CAFO by Respondent
March 14	CAFO executed by Respondent received by Complainant
March 14-28	Final review and execution by Complainant's Senior Management
March 30	Executed CAFO filed with Regional Hearing Clerk

The Parties, by and through their counsel, propose the following revised schedule for making the Prehearing Exchanges, should the parties fail to execute a CAFO in settlement of this matter:

March 30, 2011	Complainant's Initial Prehearing Exchange
April 29, 2011	Respondent's Prehearing Exchange
May 13, 2011	Complaint's Rebuttal Prehearing Exchange

For good cause shown, the Parties, by and through their counsel, respectfully request that this


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Motion be granted, and that the Prehearing Order be amended to revise the dates for making the Prehearing Exchange, as proposed above.

Respectfully submitted,

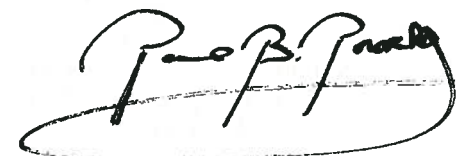
Counsel for Complainant

02/08/2011  
Date

  
Terence Branigan  
Associate Regional Counsel (C-14J)  
U.S. EPA/ Region 5  
77 W. Jackson Boulevard  
Chicago, IL 60604  
(312) 353-4737 (voice)  
(312) 385-5500 fax  
Branigan.terence@epa.gov

\_\_\_\_\_  
Date

Counsel for Respondent



\_\_\_\_\_  
Paul Poracky  
Koransky, Bouwer & Poracky, P.C.  
425 Joliet Road, Suite 425  
Dyer, IN 46311  
219.865.6700 (W)  
219.865.5840 (F)  
PPoracky@KBLegal.net

CERTIFICATE OF SERVICE

I certify that on this 8th day of February, 2010, I sent a copy of the "Joint Motion to Amend the Prehearing Order to Extend the Period for the Prehearing Exchanges," dated February 8, 2010, by Counsel for the Complainant in the following manner to the addressees listed below:

Original and One Copy by  
Hand Delivery


La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA/ Region 5  
77 W. Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

Copy by UPS and EMail to:

Honorable Barbara A. Gunning  
Administrative Law Judge  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Ave., NW  
Mail Code 1900L  
Washington, DC 20005  
Email: c/o Mary Angeles, Legal Assistant  
angeles.mary@epa.gov

Paul B. Poracky  
Koransky, Bouwer & Poracky, PC  
425 Joliet Street, Suite 425  
Dyer, Indiana 46311  
Email: [PPoracky@kblegal.net](mailto:PPoracky@kblegal.net)

2/8/2011  
Dated

  
Elizabeth Rosado  
Administrative Assistant  
U.S. EPA/Region 5  
77 W. Jackson Boulevard, C-14J  
Chicago, IL 60604

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