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March 28, 2012

Via Facsimile Transmission and Regular U.S. Mail

La Dawn Whitehead, Regional Hearing Clerk
U.S. EPA, Region V., MC-E19J
Office of Enforcement and Compliance Assurance
77 West Jackson Blvd.
Chicago, IL 60604-2405

Re: In the Matter of: Cindy Draher.
Docket No. TSCA-05-2012-0001.



Dear Ms. Whitehead:

Enclosed please find *Counsel for Defendant Comments* which I am filing with the Regional Hearing Clerk today for this civil administrative action.

Thank you for your consideration in this matter. Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

SKIDMORE & ASSOCIATES

Archie W. Skidmore

AWS:dlb

Enclosure

cc: The Honorable M. Lisa Buschmann (w/enclosure)
Jeffery Trevino, Office of Regional Counsel (w/enclosure)

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the matter of:

Docket No. TSCA-05-2010-0001

**Cindy Draher
Akron, Ohio**

**Counsel for the Defendant
Comments**

Respondent

As counsel for the Defendant, Cindy Draher, in respect to the present Show Cause Order, this has been an ordeal only because the Defendant does not have the emotional, mental or physical means to deal with this conflict and cooperation with counsel has been at a minimum as to what it takes to provide information to implement an approval of a consent order or a Prehearing Exchange.

That is the good and only cause for the delay in filing the required Prehearing Exchange.

This critical document (or documents) has been explained as the only means the Court has in determining the merits of the Complaint, the requested fine and the financial means to measure the criteria for the justification of the amount of the fine.

Counsel, some time ago, submitted written correspondence to the Court that it was our intention to withdraw, and after several conversations as to who may be available to help the Defendant under the present circumstances, I changed my mind and remained as counsel.

We completed an office conference with the Defendant's husband to no avail; we completed an office conference with the client and the office manager, and at long last the office and rental management will no longer be the total responsibility of the Defendant.

It was my opinion that I could negotiate a consent order, which would be more than fair and that the Court would approve. We were making progress.

Cindy Draher is a good person, but from the old school, arbitrary and in bad health. I believe at long last if allowed, I can conclude this matter if given the opportunity.

Perhaps this request is not the basis for a good cause, but the ultimate result in a conclusion would be constructive and the ultimate purpose of education for the new tenants or a sale could be the benefit in regard to the lead paint condition.

We are going to do something about the lack of knowledge with respect to lead paint requirements no matter what the Court decides in this case.

Now that I have the manager to assist me, I can accomplish seeing this through to conclusion.

I would request you give me some time to work with the new manager and the Prehearing Exchange will be done promptly.

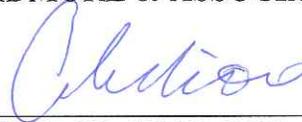
Sometimes a client that has been in control of their company too long and they just cannot fact the fact that we are in a new age and they are behind the times. Cindy is a self-made woman and would not knowingly violate the rules.

Whether the facts here are just cause for the present circumstance is another question.

I have given the office manager instructions. Give counsel the opportunity and we will file the Prehearing Exchange.

Respectfully submitted,

SKIDMORE & ASSOCIATES



ARCHIE W. SKIDMORE. (#5037)
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Tel: 330.253.1550 / Fax: 330.253.9657
*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 29th 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.
Chicago, IL 60604-3590
Fax: 312/692-2405

Facsimile Transmission to and regular U. S. mail:

Jeffery Trevino, Office of Regional Counsel (C-14J)
U.S. EPA
77 West Jackson Boulevard
Chicago IL 60604
Fax: 312/692-2987

Facsimile Transmission and regular U.S. mail to:

The Honorable M. Lisa Buschmann
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460
Fax: 202/565-0044



A handwritten signature in blue ink is written over a horizontal line. The signature appears to be "Archie W. Skidmore".

Archie W. Skidmore (#5037)