



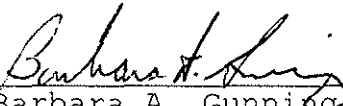
UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
 )  
PROTO PROPERTY SERVICES, LLC, ) DOCKET NO. TSCA-02-2010-9266  
 )  
RESPONDENT )

ORDER CLOSING CASE

On June 8, 2011, the undersigned received from Complainant a filing entitled "Complaint Withdrawal" in which Complainant states that it is withdrawing the administrative Complaint in this matter. The filing did not state whether Complainant sought to withdraw the Complaint with or without prejudice. Under 40 C.F.R. § 22.14(d), after an Answer is filed withdrawal without prejudice can only be accomplished upon motion granted by the Presiding Officer. By telephone conversation with the undersigned's staff attorney, counsel for Complainant stated that the Complaint was intended to be withdrawn with prejudice. Given the representations of counsel for Complainant, and the fact that no motion has been filed, the Complaint is deemed to have been withdrawn with prejudice. This matter will be closed and removed from the docket.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge

Dated: June 9, 2011  
Washington, DC

**In the Matter of *Proto Property Services, LLC*, Respondent.  
Docket No. TSCA-02-2010-9266**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this **Order Closing Case**, issued by Barbara A. Gunning, Administrative Law Judge, dated June 9, 2011, in Docket No. TSCA-02-2010-9266, was sent to the following parties on this 9<sup>th</sup> day of June 2011, in the manner indicated:



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Mary Angeles  
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Karen Maples  
Regional Hearing Clerk  
US EPA, Region II  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fx: 212.637.3199

Copy by Facsimile and Pouch Mail to:

Stuart N. Keith, Esq.  
Office of Regional Counsel  
ORC / U.S. EPA / Region II  
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Copy by Facsimile and Regular Mail to:

Robert F. Moraco, Esq.  
Simon Eisenberg & Baum, LLP  
24 Union Square East, 5<sup>th</sup> Floor  
New York, NY 10003  
Fx: 212.353.1708

**Dated: June 9, 2011  
Washington, DC**