



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Ro Cher Enterprises, Inc., ) Docket No. TSCA-05-2023-0004  
d/b/a Door and Window Warehouse )  
Outlet, Inc.; Door and Window )  
Warehouse, Co.; and/or )  
Door and Window Superstore, )  
)  
Respondent. )

**ORDER ON RESPONDENT’S UNOPPOSED MOTION FOR STAY OF PROCEEDINGS**

Before me is Respondent’s Unopposed Motion for Stay of Proceedings (“Motion”) (Nov. 20, 2023).

Respondent asks that I “temporarily stay this proceeding for two independent reasons: (1) the parties have discussed and continue to discuss potential settlement; and (2) Respondent Ro Cher has filed a collateral action in federal court challenging the authority of this proceeding.”<sup>1</sup> Mot. at 1. According to Respondent, it conferred with the Agency, which “agrees only that a time limited stay of the proceedings is necessary to continue good-faith settlement discussions and believes 90 days is sufficient for that purpose.” Mot. at 1. The Agency has not responded to the Motion.<sup>2</sup>

Given the parties’ agreement to a 90-day period for further settlement negotiations, I find it appropriate to treat the motion as a request for extension of time. Under the rules governing this proceeding, this Tribunal “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7.

Accordingly, the Motion is **GRANTED in part** and **DENIED in part**, and deadlines set forth in the Prehearing Order (Aug. 24, 2023) and previously extended by the Order on Respondent’s Motion for Extension of Time (Oct. 24, 2023) are now further extended as follows:

Settlement Conference: **March 5, 2024**  
Status Report: **March 12, 2024**

<sup>1</sup> See *Ro Cher Enters., Inc. v. EPA*, No. 1:23-cv-16056 (N.D. Ill. filed Nov. 16, 2023)

<sup>2</sup> On December 1, 2023, the Agency by email informed this Tribunal’s staff that it did not oppose the Motion and therefore did not intend to file any response.

Preliminary Statements: **March 12, 2024**

Complainant's Initial Prehearing Exchange or CAFO: **April 2, 2024**

Respondent's Prehearing Exchange: **April 22, 2024**

Complainant's Rebuttal Prehearing Exchange: **May 15, 2024**

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: December 4, 2023  
Washington, D.C.

In the Matter of *Ro Cher Enterprises, Inc., d/b/a Door and Window Warehouse Outlet, Inc.; Door and Window Warehouse, Co.; and/or Door and Window Superstore*, Respondent.  
Docket No. TSCA-05-2023-0004

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Respondent's Unopposed Motion for Stay of Proceedings**, dated December 4, 2023, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
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Attorney Advisor

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Dated: December 4, 2023  
Washington, D.C.