

FILE

BEERY & SPURLOCK CO., L.P.A.

ATTORNEYS AT LAW

MICHAEL SPURLOCK
ERIC W. BEERY

275 EAST STATE STREET
COLUMBUS, OHIO 43215-4330

TELEPHONE: (614) 228-8575 • FACSIMILE: (614) 228-1408
E-mail: Law@BeerySpurlock.com • www.BeerySpurlock.com

PAUL F. BEERY
1931 - 2002

March 22, 2011

Public Utilities Commission of Ohio
Docketing Section, 13th Floor
180 East Broad Street
Columbus, OH 43215

PUCO

2011 MAR 23 AM 11:57

RECEIVED-DOCKETING DIV

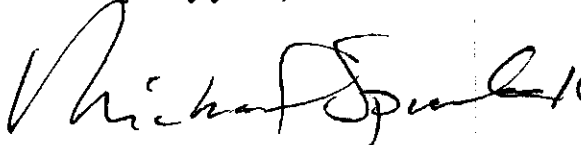
Re: In the Matter of Eugene R. White, Case No. 10-1447-TR-CVF

Dear Sir or Madam:

Enclosed please find a Motion to Continue Hearing filed in the above-referenced case. Please accept same for filing.

Thank you very much.

Very truly yours,



Michael Spurlock

MS:bkf

Enclosure

cc: Honorable Kerry Sheets, Attorney Examiner
Assistant Attorney General, Thomas Lindgren
Eugene R. White
Jeff Hall, President H.T.I. Hall Trucking Express, Inc.

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business
technician AND Date Processed 3/23/11

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

PUCO

2011 MAR 23 AM 11:58

RECEIVED - DOCKETING DIV

In the Matter of Eugene R. White, Notice of)
Apparent Violation and Intent to Assess) Case No. 10-1447-TR-CVF
Forfeiture.) (OH0616000414D)

MOTION TO CONTINUE HEARING

Now comes Respondent, Eugene R. White, by counsel and respectfully requests that the hearing presently scheduled for April 14, 2011 be continued to June 22, 2011. Assistant Attorney General Thomas Lindgren, who represents the PUCO Staff in this proceeding, also supports this Motion.

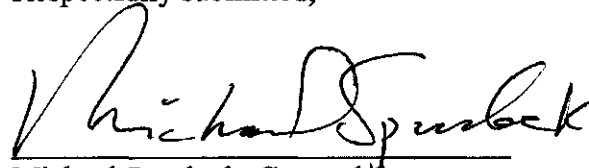
MEMORANDUM IN SUPPORT

Respondent has been cited in this civil forfeiture proceeding for allegedly violating 49 CFR § 395.8(k)(2). The parties are not in complete agreement relative to the interpretation of this regulation and respondent's counsel has requested a formal interpretation of this section by the U.S. DOT/FMCSA so the meaning of the regulation will be clear and may be applied to the facts of this case. This will be helpful to the parties and may help determine whether the case is settled or whether it must be litigated.

The U.S. DOT/FMCSA has advised that it has received a number of high priority requests which has resulted in a backlog, and the U.S. DOT/FMCSA needs additional time to issue the formal interpretation which has been requested by Respondent's counsel.

For all of the foregoing reasons, it is respectfully requested that this Motion for Continuance be granted.

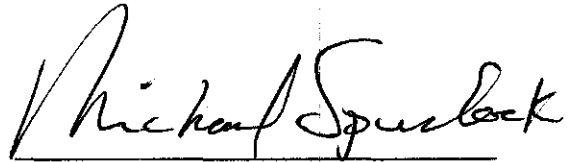
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Spurlock", written over a horizontal line.

Michael Spurlock, Counsel for
Eugene R. White

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Continue Hearing was served upon the following persons by regular U.S. Mail, postage prepaid, this 22nd day of March, 2011: Thomas Lindgren, Assistant Attorney General, 6th Floor, 180 East Broad Street, Columbus, Ohio 43215.

A handwritten signature in black ink, appearing to read "Michael Spurlock", written over a horizontal line.

Michael Spurlock (0008767)