

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

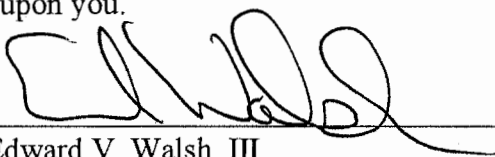
IN THE MATTER OF: ) Docket No. CAA-05-2008-0002  
)  
Frozen Assets Cold Storage, LLC ) Proceeding to Assess a  
2635 S. Western Ave. ) Civil Penalty under  
Chicago, Illinois 60608 ) Section 113(d) of the  
) Clean Air Act,  
Respondent. ) 42 U.S.C. §7413(d)

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NOTICE OF FILING

To: All Counsel on Attached Service List

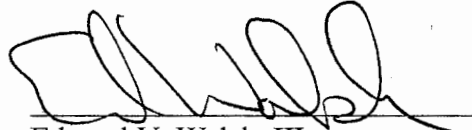
PLEASE TAKE NOTICE that on February 14, 2008, we caused to be filed with the Regional Hearing Clerk, an **Agreed Motion For Second Extension of Time to Answer**, a copy of which is attached hereto and hereby served upon you.

  
\_\_\_\_\_  
Edward V. Walsh, III  
Attorney for Frozen Assets Cold Storage LLC

Edward V. Walsh, III  
REED SMITH SACHNOFF & WEAVER, LLP  
10 South Wacker Drive, 40th Floor  
Chicago, IL 60606  
(312) 207-1000

**CERTIFICATE OF SERVICE**

I, Edward V. Walsh, III, attorney for Respondent Frozen Assets Cold Storage, LLC, hereby certify that a copy of the foregoing **Agreed Motion For Second Extension of Time to Answer** was served upon each person listed on the attached Service List in the manner indicated on this 14th day of February, 2008:

  
\_\_\_\_\_  
Edward V. Walsh, III

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**SERVICE LIST**

**VIA PERSONAL DELIVERY**

William Wagner, Esq.  
U.S. EPA  
77 West Jackson Blvd.  
Chicago, IL 60604

**VIA PERSONAL DELIVERY**

Marcey Toney  
Regional Judicial Officer  
U.S. EPA  
77 West Jackson Blvd.  
Chicago, IL 60604

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

IN THE MATTER OF:

Frozen Assets Cold Storage, LLC  
2635 S. Western Ave.  
Chicago, Illinois 60608

Respondent.

) Docket No. CAA-05-2008-0002

) Proceeding to Assess a  
) Civil Penalty under  
) Section 113(d) of the  
) Clean Air Act,  
) 42 U.S.C. §7413(d)

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**Agreed Motion For Second Extension of Time to Answer**

Respondent Frozen Assets Cold Storage, LLC by its attorneys Reed Smith Sachnoff & Weaver moves, pursuant to Rule 22.7 of the Consolidated Rules of Practice (40 C.F.R. Part 22 et.seq.) for a second agreed extension of time within which to file a response pleading herein, and in support of its motion states as follows:

1. The United States Environmental Protection Agency ("EPA") through its counsel, William Wagner, Esq. has no objection to the granting of this Motion.

2. A first extension of time to answer herein was granted on December 20, 2007 in order to enable further settlement discussions between the parties. Those discussions are ongoing but await the outcome of the analysis by an outside contractor retained by USEPA to review financial data of Respondent. The parties hope that the analysis of this data, and further negotiation, will lead to resolution of this matter without litigation.

4. In order for the parties to continue discussions on potential settlement, Respondent, without objection from EPA, requests an additional 45 days from February 19, 2008 within which to file a response pleading.

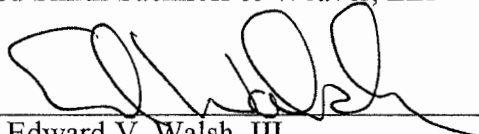
Accordingly, Respondent requests an extension of time to answer to and including, April 4, 2008.

Respectfully submitted

DATED: February 14, 2008

Reed Smith Sachnoff & Weaver, LLP

By



Edward V. Walsh, III  
Attorney for Frozen Assets Cold Storage, LLC