



Respondents have been very unresponsive and inconsistent in their efforts to cooperate with Complainant's attorney and the Undersigned. Finally, the Undersigned must point out that a *Default Order as to Liability* dated February 15, 2012 has been issued against Respondent Cotto, and that this Order would have to be vacated in order for Respondents' representative to answer on behalf of Respondent Cotto.

In light of the above, the Undersigned issues the following Order.

**ORDER**

The date by which Respondent ABEF must answer the Complaint is hereby extended through November 9, 2015. If Respondents' representative intends to file an Answer on behalf of Respondent Cotto, a motion to vacate the standing *Order on Default as to Liability* against Cotto, together with an Answer on Cotto's behalf, must be filed by November 9, 2015

If Respondent ABEF does not file an Answer by that date, it is further ordered that the Complainant file a Motion for Default as to Liability and Penalty against Respondent ABEF no later than November 30, 2015. Failure to file such a motion may result in the Complaint being dismissed against ABEF with prejudice. 40 C.F.R. § 22.17(a).

Regardless of whether ABEF files an Answer, if a motion to vacate the *Default Order as to Liability* against Respondent Cotto, together with an Answer on Cotto's behalf, is not filed by November 9, 2015, it is further ORDERED that Complainant file a Motion for Default as to Penalty against Respondent Cotto no later than November 30, 2015. Failure to file such a Motion for Default as to Penalty may result in the Complaint being dismissed against Cotto with prejudice. 40 C.F.R. § 22.17(a).

The Respondents shall file its response to the motion(s) for default, if any, within fifteen (15) days of service of the Complainant's motion(s).

This Order is effective as of October 22, 2015.

Date: October 26, 2015

  
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Helen Ferrara  
Presiding Officer

**CERTIFICATE OF SERVICE**

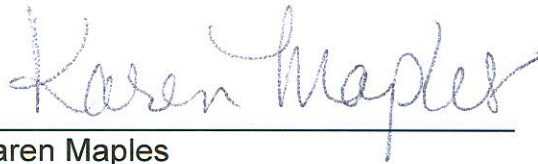
I hereby certify that the **Order In Response To Respondent's Request For Extension Of Time to Respond** by Regional Judicial Officer Helen Ferrara in the matter of **A.B.E.F. Development Corp. And Herminio Cotto Construction, Inc., Docket No. CWA-02-2010-3465**, was served on the parties as indicated below:

First Class Mail -

Herminio Cotto Construction Corporation  
P.O. Box 1600, Suite 1008  
Cidra, Puerto Rico 00739

Louis Rosado-Viana  
Centro Internacional de Mercadeo, Tower II  
90 Road 165  
Guaynabo, Puerto Rico 00968

Carolina Jordan-Garcia, Esq.  
Assistant Regional Counsel  
USEPA - Region II  
City View Plaza II - Suite 7000  
#48 RD. 165 km 1.2  
Guaynabo, Puerto Rico 00968-8069



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Karen Maples  
Regional Hearing Clerk  
USEPA - Region II

Dated: October 30, 2015