

**BEFORE THE UNITED STATES ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

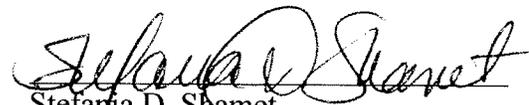
In re:)	
)	
Smith Farm Enterprises, L.L.C.,)	CWA Appeal No. 08-02
)	
Docket No. CWA-03-2001-0022)	
)	

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION FOR
REMAND AND TO STAY FINAL ORDER AND MOTION FOR PARTIAL
RECONSIDERATION AND TO STAY FINAL ORDER**

Complainants, through their counsel, hereby move for an extension of time to Wednesday, November 3, 2010 to respond to two motions filed by Respondent on October 13, 2010. On that date, Respondent filed a Motion for Partial Reconsideration and to Stay the effect of the Board's Final Decision and Order in this matter and an alternative Motion for Remand and Stay (# 60, 60.1, 60.2, 60.3) (collectively "October 13, 2010 motions"). Those motions were served by facsimile and by overnight delivery. Pursuant to 40 C.F.R. 22.16(b) and 22.7(b), Complainants' response is due October 28, 2010. On October 26, 2010, Respondent filed a Motion for Leave to Correct the October 13, 2010 motions (# 67 & 67.01). Specifically, the two motions filed on October 13, 2010 relied in part on a premise that Judge Moran in his Decision Upon Remand had not incorporated or referenced Judge Charneski's Initial Decision in this matter. The Motion for Leave to Correct recognizes that Judge Moran's Decision Upon Remand in fact incorporated Judge Charneski's Initial Decision.

The Motion for Leave to Correct affects how Complainants will respond to the two October 13, 2010 motions. Accordingly, Complainants respectfully request an extension to November 3, 2010 to respond to the two October 13, 2010 motions. Counsel for Complainants has conveyed this request to Hunter Sims, counsel for Respondent, who has indicated that Respondent does not oppose this request for an extension.

Respectfully submitted,



Stefania D. Shamet
Senior Assistant Regional Counsel
Counsel for Complainants

Date: Oct. 27, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused the foregoing Complainants' Motion for Extension of Time to File Response to Motion for Remand and to Stay Final Order and Motion for Partial Reconsideration and to Stay Final Order in *In re Smith Farm Enterprises, LLC*, CWA Appeal No. 08-02 to be served in the following manner:

BY Electronic Mail and Overnight Delivery:

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Oct 27, 2010
Date


Stefania D. Shamet