

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 MAY -8 PM 1:46

Docket No. CAA-08-2009-0013

IN THE MATTER OF:)
)
BERRY PETROLEUM COMPANY)
950 17TH ST., SUITE 2400)
DENVER, CO 80202)
)
Respondent.)
_____)

JOINT MOTION FOR
EXTENSION OF TIME FOR
RESPONDENT TO FILE ITS
ANSWER

COMES NOW the Complainant, United States Environmental Protection Agency Region 8 (EPA), by and through its attorney, Dana J. Stotsky, who moves the Presiding Officer to grant the Respondent an extension of time of 30 days in addition to the 30-day period provided by the Consolidated Rules of Practice (Rules) to file its answer. 40 C.F.R. section 22.15(a).

As grounds therefore, the I state the following:

GROUNDS FOR MOTION

This motion is made pursuant to 40 C.F.R. section 22.7(b) and 40 C.F.R. section 22.16 of the Rules. Under the Rules, a motion must be in writing, state the grounds for the motion with particularity, set forth the relief or order sought, and be accompanied by any evidence or legal memorandum relied upon. Also, as provided for by rule, the Presiding Officer 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. Any motion for an extension of time shall be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer reasonable opportunity to issue an order. 40 C.F.R. section 22.7(b).

The parties hereto met by phone on May 7, 2009. The Respondent is represented by William W. Carter, Esq., of the law firm Musick, Peeler & Garrett, LLP. Respondent stated to the undersigned that an extension of time would considerably aid data collection by Respondent, and allow a more thorough Answer to be filed.

The outcome of this meeting was very positive in terms of identifying issues in dispute and identifying potential paths to an out-of-court resolution. The undersigned stated that he would prepare this motion for the benefit of both parties in light of the above. Respondent requests a 30-day extension of time to file its Answer. This is the first such request made in this matter. This request is a joint request. The parties anticipate meeting in the near future to continue settlement discussions.

The relief requested is a revised due date for the Respondent to file its Answer, on or before June 22, 2009.

United States Environmental Protection
Agency, Region 8



Date: May 8, 2009

By: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the JOINT MOTION FOR EXTENSION OF TIME FOR RESPONDENT TO FILE ITS ANSWER, was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent via U.S. Postal Service, postage prepaid, to

William W. Carter, Esq.
Musick, Peeler & Garrett, LLP.
One Wilshire Boulevard, Suite 2000
Los Angeles, CA 90017



Date: May 8, 2009

By: _____

Dana Stotsky