

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

In the Matter of:

**WYETH PHARMACEUTICALS  
COMPANY**

State Road 3, Km. 142.1  
Guayama, Puerto Rico 00784

**RESPONDENT**

Proceeding pursuant to Section  
309(g)(2)(B) of the Clean Water Act, 33  
USC § 1319(g)

PROCEEDING TO ASSESS A CLASS II  
CIVIL PENALTY

DOCKET NUMBER CWA-02-2009-3460

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2010 FEB 23 AM 11:50  
REGIONAL HEARING  
OFFICE

**MOTION FOR CONTINUANCE**

**TO THE HONORABLE COURT:**

COMES NOW Respondent, Wyeth Pharmaceuticals Company, Inc. – Guayama Operations (“Wyeth-Guayama”), through the undersigned counsel, and respectfully sets forth and prays as follows:

1. On January 15, 2010, Complainant and Respondent (collectively, “the Parties”) submitted a Joint Motion for Continuance, representing that the Parties had reached an agreement in principle in the above-captioned matter, and that both a Consent Agreement and Final Order (CA/FO) and an Administrative Order on Consent (AOC) would be necessary to memorialize the agreement in principle reached on November 23, 2009.
2. On January 26, 2010, this Honorable Court issued an order granting the Parties until March 1, 2010 to file a CA/FO with this Honorable Court.

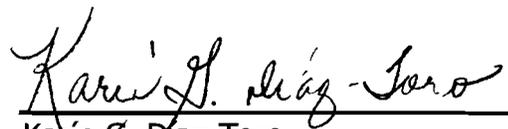
3. Since this Honorable Court's last order of January 26, 2010, both a draft CA/FO and a draft AOC to resolve this matter have been developed, and the Parties are working to finalize their terms.
4. Wyeth-Guayama estimates that the Parties will require until March 16, 2010 to finalize and execute both the CA/FO and the AOC, in furtherance of settlement of the case at hand.
5. Settlement of the case at hand would promote procedural economy, avoiding the delays and costs resulting from the upcoming administrative hearing, in the interest of both Parties.
6. The undersigned attorney has consulted with attorney for Complainant regarding this motion. He has advised us that Complainant will not oppose the granting of this request.
7. Hence, Wyeth-Guayama respectfully requests an extension, until March 16, 2010, to finalize the CA/FO and AOC for submittal to this Honorable Court.

WHEREFORE, Respondent respectfully requests a stay of the proceedings in this action, until March 16, 2010, in order for the Parties to finalize a CA/FO and an AOC resolving this matter.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of February, 2010.

TORRES & GARCIA, P.S.C.  
Attorneys for Wyeth Pharmaceutical  
Company  
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**CERTIFICATE OF SERVICE**

I CERTIFY that, on the date noted below, I caused to be submitted a copy of the foregoing Respondent's Motion for Continuance to the following persons, at the addresses listed below, and in the manner specified below:

**Original and one copy via Federal Express:**

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, NY 10007

**Copy via Federal Express:**

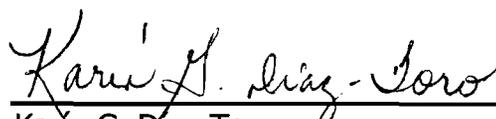
Judge William B. Moran  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Franklin Court Building  
1099 14<sup>th</sup> Street N.W. Suite 350  
Washington DC 20460

**Copy by messenger:**

Roberto Durango, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency –  
Caribbean Environmental Protection Division  
Centro Europa Bldg. – Suite 417  
1492 Ave. Ponce de León  
San Juan, Puerto Rico 00907

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of February, 2010.

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