

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:

DOCKET NO: RCRA-05-2008-0007

John A. Biewer Company of Ohio, Inc.
300 Oak Street
St. Clair, Michigan 48079-0497
(Washington Courthouse Facility)

**JOINT MOTION FOR ADDITIONAL
EXTENSION OF TIME TO RESPOND**

U.S. EPA ID #: OHD 081 281 412

RESPONDENT
_____ /

NOW COMES Complainant and Respondent, by and through their attorneys, Richard R. Wagner and Mika Meyers Beckett & Jones PLC respectively, and hereby move the Presiding Officer in this matter to hold Complainant's Motion For Accelerated Decision On Liability and Penalty and Motion To Strike, In Part, Respondent's Pre-Hearing Exchange (collectively referred to as "Motions") in abeyance until after the close of the discovery period. Complainant and Respondent make this request because since the filing of the Motions, the Presiding Officer has granted Complainant's Motion to Amend Complaint and Compliance Order, which may change the procedural status of this case. Given the potential procedural changes, it is unclear to the Respondent how to respond to Complainant's Motions or on whose behalf the response is to be submitted.

Complainant and Respondent agree that all parties will be best served by holding the Motions in abeyance, and therefore request that the Presiding Officer set a new briefing deadline after the close of discovery.

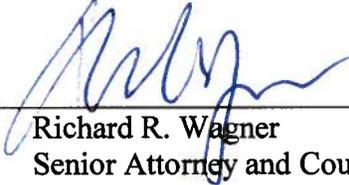
Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC
Attorneys for Respondent

Dated: January 9, 2009

By: 

Douglas A. Donnell
900 Monroe Avenue, NW
Grand Rapids, MI 49503
(616)632-8000

By: 

Richard R. Wagner
Senior Attorney and Counsel for
the Administrator's Delegated Complainant
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604-3590
(312)886-7947

In Re John A. Biewer Company of Toledo, Inc.
No. RCRA-05-2008-0006

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CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of the **Joint Motion for Additional Extension of Time to Respond** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590, with this Certificate of Service.

I further certify that I then caused true and correct copies of the filed documents to be mailed to the following:

Honorable William B. Moran
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ariel Rios Building, Mailcode: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Douglas A. Donnell
Mika Meyers Beckett & Jones, PLC
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January 13, 2009


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