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EMAIL ADDRESS pgray@mckennalong.com

October 15, 2009

VIA UPS

Regional Hearing Clerk U.S. EPA Region 9 75 Hawthorne Street San Francisco, CA 94105-3901

Re: VF Outdoor, Inc., Docket No. FIFRA-09-2009-0019

Dear Sir/Madam:

Enclosed for filing in the above-referenced matter is an original and one copy of Respondent's Unopposed Motion for Extension of Time to File Answer, Declaration of Peter L. Gray In Support Thereof, and Proposed Order.

uly yours. ter L. Gray

cc: David H. Kim Assistant Regional Counsel

PETER L. GRAY (202) 496-7707

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1 2 3 4 5	PETER L. GRAY MICHAEL BOUCHER MCKENNA LONG & ALDRIDGE LLP 1900 K Street, NW, Suite 100 Washington, DC 20006 Telephone: 202-496-7500 Facsimile: 202-496-7756	FILED 2009 OCT 16 PM 4: 15 REGIONAL HEARING CLERN	
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7	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY		
8	<b>REGION 9</b>		
9			
10	In the Matter of:	Docket No. FIFRA-09-2009-0019	
11	VF Outdoor, Inc., Respondent	UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE	
12	Proceeding under Section 14(a) of the Federal Insecticide,	<b>EXTENSION OF TIME TO FILE ANSWER; DECLARATION OF PETER L. GRAY IN SUPPORT</b>	
13	Fungicide and Rodenticide Act, 7 U.S.C. § 1361	THEREOF; PROPOSED ORDER	
14	/ U.S.C. § 1301	[40 C.F.R. § 22.7(b)]	
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17	Respondent VF Outdoor, Inc., by and through its counsel, respectfully		
18	requests that the time to file an answer or other response to the Complaint filed in		
19	this case by the United States Environmental Protection Agency, Region 9 ("EPA		
20 21	Region 9"), be extended thirty (30) days until November 30, 2009. VF Outdoor		
21	bases this Motion on the following grounds:		
22	1. VF Outdoor was served with the Complaint in this matter on		
23	September 28, 2009. Under 40 C.F.R. § 22.15(a), the Answer to the Complaint is		
25	due within 30 days after the date of service of the Complaint. Accordingly, VF		
26	Outdoor's Answer to the Complaint currently is due on October 28, 2009.		
27	2. Lead counsel for VF Outdoor Peter L. Gray was added to VF		
28	Outdoor's legal team on October 12, 2009, a	and he needs additional time to become	
MCKENNA LONG & Aldridge LLP Attorneys At Law Washington, DC			

acquainted with the facts and to complete his analysis of the case. Thus, good
 cause exists for granting an extension of time under the Consolidated Rules of
 Practice. See 40 C.F.R. § 22.7(b).

3. On October 13, 2009, Mr. Gray sent an email to counsel for EPA 4 Region 9, stating the need for a thirty-day extension of time for filing an Answer. 5 Noting that with a thirty-day extension of the filing deadline the Answer would be 6 due Friday, November 27, 2009, which is the day after Thanksgiving, Mr. Gray 7 suggested that the deadline be set for Monday, November 30, 2009. In email 8 responses, counsel for EPA Region 9 stated that the Agency would not oppose a 9 request for an extension of time and agreed that November 30, 2009 should be the 10 filing deadline, rather than November 27, 2009. Thus, the present Motion is 11 unopposed. 12

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This Motion is supported by the attached Declaration of Peter L. Gray.

For the foregoing reasons, VF Outdoor respectfully requests that the deadline
for filing an answer or other response to the Complaint be extended until November
30, 2009.

17	Dated: October 15, 2009	Respectfully submitted,
18		MCKENNA LONG & ALDRIDGE LLP
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20		By Peter L. Gray
21		Attorney for VF Outdoor, Inc.
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MCKENNA LONG & Aldridge LLP Attorneys At Law Washington, DC		- 2 -

## **DECLARATION OF PETER L. GRAY**

I, PETER L. GRAY, declare:

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 I am a member of the Bar for the District of Columbia and am associated with the firm of McKenna Long & Aldridge LLP, attorneys for VF Outdoor, Inc. I have personal knowledge of the following facts and, if called upon to do so, I could and would competently testify thereto.

 VF Outdoor was served with the Complaint in this matter on September 28, 2009. Thus, VF Outdoor's answer or other response to EPA's Complaint in this matter is currently due on October 28, 2009.

On October 13, 2009, I sent an email to EPA Region 9 counsel David 3. 10 H. Kim concerning VF Outdoor's intention to file a motion for a thirty-day 11 extension of time for VF Outdoor to file an answer or other response to EPA's 12 13 Complaint. In the email I stated that, having recently been added to VF Outdoor's legal team as lead counsel, I needed the additional time to become acquainted with 14 the facts and to complete my legal analysis. In a subsequent email to Mr. Kim, I 15 noted that a thirty-day extension would mean that VF Outdoor's answer or other 16 response would be due Friday, November 27, 2009, which is the day after 17 18 Thanksgiving. Although November 27 is not a federal holiday, I requested that the Answer not be due until the following Monday, November 30, 2009, to avoid 19 conflicts during the holiday period. 20

4. In an email response, Mr. Kim stated that EPA Region 9 would not oppose VF Outdoor's motion seeking an extension until November 30.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 15, 2009 in Washington, DC. PETER L. GRA

MCKENNA LONG & Aldridge LLP Attorneys At Law Washington, DC

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2	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY		
3	<b>REGION 9</b>		
4			
5	In the Matter of:	Docket No. FIFRA-09-2009-0019	
6	VF Outdoor, Inc., Respondent	PROPOSED ORDER	
7	Proceeding under Section 14(a) of	[40 C.F.R. § 22.7(b)]	
8	Proceeding under Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 1361		
9	/ U.S.C. § 1501		
10	PROPOSED ORDER		
11	VF Outdoor, Inc.'s motion for an extension of time until November 30, 2009		
12	to file a response to the complaint in this matter is GRANTED. 40 C.F.R.		
13	§ 22.7(b).		
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15	DATED:	REGIONAL JUDICIAL OFFICER	
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MCKENNA LONG & Aldridge LLP Attorneys At Law Washington, DC	- 4 -	-	

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1	CERTIFICATE OF SERVICE			
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3	I certify that on October 15, 2009,	the original of the foregoing Unopposed		
4		Motion For Extension Of Time To File Answer, Declaration Of Peter L. Gray		
5	<b>In Support Thereof, and Proposed Order</b> was placed with UPS, for overnight			
6	delivery, and addressed to:			
7				
8	Regional Hearing Clerk U.S. EPA Region 9 75 Hawthorne Street	UPS Tracking		
9	75 Hawthorne Street San Francisco, California 94105-3901	No. 1Z66806X0196740706		
10	Devid U. King	UDO Traslina		
11	David H. Kim Assistant Regional Counsel (ORC-3)	UPS Tracking No. 1Z66806X0195798317		
12	Assistant Regional Counsel (ORC-3) U.S. EPA Region 9 75 Hawthorne Street			
13	San Francisco, California 94105-3901			
14		A		
15	Dated: October 15, 2009	AX h		
16		//Signature		
17		Peter L. Gray		
18		Print Name		
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ALDRIDGE LLP ATTORNEYS AT LAW WASHINGTON, DC				