

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 (NEW ENGLAND)**

In the Matter of: )

Morrison-Clark, Inc., )

Respondent. )

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2009 DEC 21 P 1:21  
Docket No.  
CAA-01-2009-0103  
EPA ORG  
OFFICE OF  
REGIONAL HEARING CLERK

JOINT MOTION FOR EXTENSION OF TIME

Complainant and Respondent (the Parties) hereby jointly request an extension of time in which to pursue the alternative dispute resolution (ADR) process currently underway with Judge Spencer Nissen, the third-party neutral assigned by Chief Administrative Law Judge Susan Biro to assist the Parties in ADR. Accordingly, with the currently established ADR schedule set to expire on December 28, 2009, the Parties hereby request an extension of sixty (60) days from that date to give them additional time to pursue the possibility of a mutually-agreeable settlement and, thereby, avoid the substantial time and expense required to litigate this matter.

This is the Parties' first request for more time. This Motion is filed with the understanding that, since the initiation of ADR, Complainant and Respondent have made progress toward resolving this case and have engaged in vigorous discussions and a full and frank exchange of information that could lead to a settlement. It is the Parties' current expectation that, with additional time for further engagement and discussion in the context of the ADR process, additional progress will be made toward reaching a final resolution of the case through settlement. Furthermore, with Respondent's recently stated intention to pursue a financial hardship or ability to pay (ATP) claim, and the accompanying need for EPA to fully evaluate such claim (upon submission of adequate documentation by Morrison-Clark to support it), there is further justification for this request for time.



The Parties have worked diligently during the initial ADR period to focus on the numerous and complicated issues presented by this case. To the extent further time will permit Complainant and Respondent to achieve additional progress toward settlement and, quite possibly, avoid the considerable expenditures required in litigation, we respectfully request that you grant this Motion for Extension of Time.

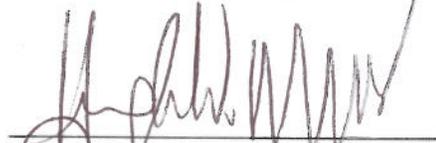
Respectfully Submitted,

Counsel for Respondent:



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Counsel for Complainant:



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U.S. EPA Region 1 – New England  
Boston, MA  
Tel: 617-918-1867



*In re: Morrison-Clark, Inc.*  
EPA Docket No. CAA-01-2009-0103

**CERTIFICATE OF SERVICE**

I, Hugh W. Martinez, hereby certify that on this 21<sup>st</sup> day of December 2009, I caused the foregoing Joint Motion for Extension of Time to be served on the following persons in the manner indicated:

**Original and One Copy, By Hand Delivery**

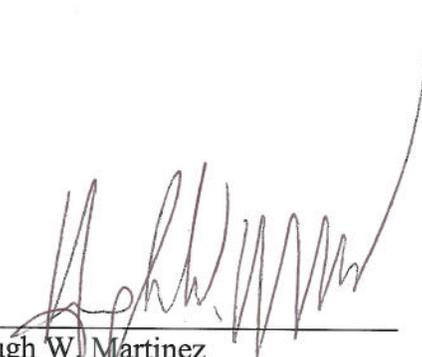
Judy Lao-Ruiz, Acting Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

**One Copy, By Fax [202-565-0044] and Pouch Mail**

The Honorable Spenser Nissen, Administrative Law Judge  
Office of the Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**One Copy, Electronically and By Federal Express**

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