

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION II
2009 NOV 19 PM 3:15
REGIONAL HEARING
CLERK

IN THE MATTER OF:)
)
Wyeth Pharmaceuticals Company, Inc.,)
)
)
Respondent)
)

Docket No. CWA-02-2009-3460

ORDER DENYING RESPONDENT'S MOTION FOR CONTINUANCE

On November 16, 2009, Respondent filed a Motion for Continuance, requesting that the Court stay this proceeding for a period of ninety (90) days "in order for the parties to rigorously pursue settlement negotiations." Respondent informed the Court that the parties have made progress in their efforts to reach a resolution of the issues raised and that it believes that a period of ninety (90) days would be "adequate to explore whether such a resolution can be reached."

Over four months have elapsed since the Court issued its Prehearing Order. The case has long been set for hearing and the parties have availed themselves of filing motions in anticipation of that hearing. A delay in the hearing is unwarranted. The precise location of the hearing, which the parties were notified will be in San Juan, Puerto Rico, or at a nearby location in Puerto Rico, if a courtroom cannot be retained in San Juan, a factor listed by the Respondent to justify the delay, will be noticed to the parties shortly. Last, the Court has concluded that the only outstanding motion, Respondent's Motion to Dismiss, will be DENIED. An Order regarding that denial is being drafted and will be issued shortly. The parties should prepare for the hearing which is to begin on Monday, December 7, 2009.

Accordingly, upon consideration, the Respondent's Motion for a Continuance is DENIED.

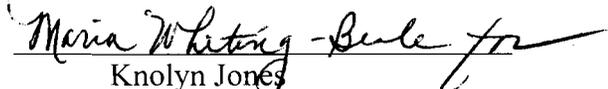
William B. Moran
William B. Moran
United States Administrative Law Judge

Dated: November 18, 2009
Washington, D.C.

In the Matter of Wyeth Pharmaceuticals Company, Inc., Respondent
Docket No. CWA-02-2009-3460

Certificate of Service

I certify that the foregoing **Order Denying Denying Respondent's Motion For Continuance**, dated November 18, 2009, was sent this day in the following manner to the addressees listed below.


Knolyn Jones
Legal Assistant

Dated: November 18, 2009

Original And One Copy By Pouch Mail to:

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