

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY NEW  
YORK, NY 10007-866

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In the Matter of	:	
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Edwin Andújar Bermúdez dba	:	
Truly Nolen Pest Control De Caguas,	:	
	:	Docket No. FIFRA-02-2017-5302
Respondent	:	

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**ORDER EXTENDING COMPLAINANT'S TIME TO FILE MOTION FOR PENALTY  
AND AGREEING TO ISSUE SCHEDULING ORDER**

By Order dated September 14, 2017, the Undersigned granted Complainant's Motion for Default Judgment on Liability, and ordered Complainant to file and serve, on or before October 30, 2017, the Motion for Penalty providing factual grounds for the proposed penalty against Respondent in this matter.

On September 28, 2017, Complainant's Attorney filed, for good cause shown, a *Motion for Extension of Time*, requesting an additional six months (one-hundred and eighty days) to file and serve the Motion for Penalty. Based on the information provided by Complainant, an extension of time through April 30, 2018 for Complainant to file and serve a Motion for Penalty was granted by Order dated October 5, 2017.

On April 19, 2018, Complainant's Attorney filed, for good cause shown, a second *Motion for Extension of Time*, requesting an additional four months (one-hundred and twenty days) to file and serve the Motion for Penalty. The reasons cited for this request was that the impact of the widespread destruction and damage caused by Hurricanes Irma and Maria was

still being felt on the island of Puerto Rico. Finally, there was some confusion as to whether Respondent continued to be represented by counsel, further justifying a continuation of a temporary stay on further filings. Based on the information provided by Complainant, an extension of time through August 28, 2018 for Complainant to file and serve a Motion for Penalty was granted by Order dated April 23, 2018.

On August 9, 2018, Complainant's Attorney filed, for good cause shown and with the consent of counsel for Respondent, a *Motion for Extension of Time and Scheduling Order*, requesting an additional five months (one-hundred and fifty (150) days) to file and serve the Motion for Penalty. Complainant requests the extension because Respondent's prior counsel has resumed representation of Respondent and settlement negotiations are progressing. These negotiations include the production of financial documents by Respondent and the review of these documents by Complainant. In addition, Complainant seeks a scheduling order to encourage progress in this matter. The Undersigned finds that granting the extension and issuing a scheduling order are warranted and in the best interest of both parties.

### **ORDER**

**Based on the information provided by Complainant, an extension of time through January 28, 2019 for Complainant to file and serve a Motion for Penalty is hereby granted. In addition, the Undersigned orders the parties to produce a Joint Status Report no later than August 31, 2018. Based on the information set forth in that report, the Undersigned will issue a Scheduling Order no later than September 14, 2018.**

### **Effective Date**

**The effective date of this Order shall be the date it is signed by the Regional Judicial Officer, below.**

Date: August 9, 2018

A handwritten signature in dark ink, appearing to read "Helen Ferrara", written over a horizontal line.

Helen Ferrara  
Presiding Officer

**CERTIFICATE OF SERVICE**

I hereby certify that the **Order Extending Complainant's Time To File Motion For Penalty And Agreeing To Issue Scheduling Order** by Regional Judicial Officer Helen Ferrara in the matter of **Edwin Andujar Bermudez dba Truly Nolen Pest Control De Caguas, Docket No. FIFRA-02-2016-5302**, is being served on the parties as indicated below:

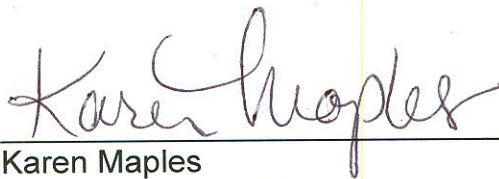
First Class Mail -

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Inter Office Mail -

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New York, New York 10007-1866

A handwritten signature in dark ink, reading "Karen Maples", is written over a horizontal line.

Karen Maples  
Regional Hearing Clerk  
USEPA - Region II

Dated: August 9, 2018