

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 OCT 29 PM 2:26

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 8 OFFICE

Docket No. FIFRA-08-2007-0014)
In the Matter of)
OmniLytics, Inc.,) UNOPPOSED MOTION FOR
Respondent.) EXTENSION OF TIME
) TO ANSWER
)

Respondent, OmniLytics, Inc. ("Respondent"), by and through its counsel pursuant to § 22.7 (b) of the Consolidated Rules of Practice ("C.R.P."), 40 C.F.R. part 22, moves for an extension of time to file its Answer in this proceeding and states as follows:

1. The Penalty Complaint and Notice of Opportunity for Hearing ("Complaint") in this proceeding was filed on September 28, 2007.
2. Respondent received the Complaint on October 1, 2007.
3. Pursuant to C.R.P. 22.15(a), Respondent's Answer is due within thirty (30) days of its receipt of the Complaint or on or before October 31, 2007.
4. Respondent has engaged counsel to represent it in this proceeding, but, due to the press of other business, Respondent's counsel is unable to complete his investigation into the matter and prepare an Answer by October 31, 2007.
5. In addition, Respondent seeks an opportunity to discuss this case with Dana J. Stotsky, Esq., assigned Senior Enforcement Attorney, before filing its Answer.
6. On October 25, 2007, the undersigned communicated by electronic mail with Mr. Stotsky regarding Complainant's position on an extension of time to file the Answer. Mr. Stotsky informed the undersigned that Complainant does not oppose a motion for an extension of time to file the Answer.

7. Under the circumstances, good cause exists for this motion, and no party will be prejudiced by the relief requested herein. Accordingly, Respondent requests that an order be entered granting it a two-week extension of time, to and including November 14, 2007, to file its Answer in this proceeding.

Respectfully submitted,

ARENT FOX LLP

Date: Oct. 26, 2007

By: 

Stanley H. Abramson
1050 Connecticut Avenue, NW
Washington, DC 20036-5339
Telephone: (202) 857-8935
Facsimile: (202) 857-6395
E-mail: abramson.stanley@arentfox.com

Attorneys for Respondent OmniLytics, Inc.

CERTIFICATE OF SERVICE

I certify that on this 26th day of October, 2007, a copy of the foregoing was served by Federal Express, properly addressed to:

Eddie A. Sierra
Deputy Assistant Regional Administrator
United States Environmental Protection Agency
Region 8, Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street (ENF-L)
Denver, CO 80202-1129
Complainant

An original and one copy were sent by Federal Express to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

A courtesy copy was sent by facsimile to:

Dana J. Stotsky
Senior Enforcement Attorney
U.S. EPA Region 8
Fax : (303) 312-6953


Stanley H. Abramson

RPP/226375.1