

From: [Lisa, Joseph](#)
To: ronclever@aol.com
Cc: [Goldman, Andrew](#); [Esposito, Bevin](#)
Subject: RE: from Atty. Ron Clever
Date: Wednesday, July 07, 2021 3:12:43 PM

Dear Mr. Clever:

I am in receipt of your email of July 7, 2021, in which, on behalf of Turog, you request an extension of time to July 16, 2021 for the filing of Turog's Post-Hearing Brief in the above-captioned matter. Please be advised that Turog's Motion is DENIED.

First, I commend you for agreeing to work on a pro bono matter and to assist another member of the bar with the filing of an Appellate Brief. Pro Bono work is an important responsibility we have as attorneys and members of the bar.

However, given the age and history of the current matter before the Agency, the importance of having the lien issue resolved for both Turog and the U.S. government, a further extension of time, and a balancing of the equities, an additional extension of time in this matter is not warranted and may be prejudicial to both parties.

I note that I have already granted a number of extensions of time in this case with regard to the holding of the lien hearing and the filing of post-hearing briefs. The lien hearing was held on March 25 and the parties briefs are currently due July 9th. I have tried to be flexible in this case given the highly unusual situation we have had to deal with concerning COVID and the need to conduct the hearing for this matter remotely. I have also tried to be sensitive to other commitments the attorneys in this case have had in connection with other legal matters on which they are working.

That being said, Turog's current motion is being filed two days before the due date for the filing of briefs. Turog has had over three months to work on its Post-Hearing Brief. In my most recent Order of June 14, 2021, granting Turog's request for an extension of time for the filing of its Post-Hearing Brief, I indicated that any further delay in this matter would only be permitted for extraordinary circumstances. In my opinion, the current circumstances do not rise to this level. Once again, I commend you for agreeing to assist with a Pro Bono matter. However, I will note that, based upon the information presented, this was a voluntary decision and not one compelled by court appointment.

As a result, Turog's motion is DENIED. Briefs from both parties are required to be filed with the Region III Regional Hearing Clerk by 5:00 pm EST July 9, 2021.

Joseph J. Lisa

Joseph J. Lisa
Regional Judicial Officer/Presiding Officer

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From: ronclever@aol.com <ronclever@aol.com>
Sent: Wednesday, July 07, 2021 8:50 AM
To: Lisa, Joseph <Lisa.Joseph@epa.gov>
Cc: Goldman, Andrew <Goldman.Andrew@epa.gov>; Esposito, Bevin <Esposito.Bevin@epa.gov>
Subject: from Atty. Ron Clever

Dear Judge Lisa,

I have agreed to help in a *pro bono* case. The lawyer who has been handling that case has never done a Commonwealth Court brief, so I agreed to help the project, by doing that appellate work.

Unfortunately, the deadline in that case is July 7, and it cannot be extended (it already was extended several times, BEFORE I was involved).

In the case that I have before Your Honor, my brief is due July 9. This other project has jumped directly in the way of my EPA project.

Would Your Honor please consent to the instant request: to extend the July 9 date to July 16?

Here is the initial position of Mr. Goldman, as he stated it in an e-mail to me:

RJO Lisa made clear in his email of June 12 that no further extensions would be granted absent extraordinary circumstances. The RJO was assigned to this matter 21 months ago. Turog asked for, and received, 4 extensions of time to file its opening brief. Per Turog's requests, the hearing was delayed for 11 months. The hearing was more than 3 months ago. You are now preparing to request a third extension of time to file your post-hearing brief. It seems to me that, if the RJO believes your third request for an extension is based on extraordinary circumstances, it matters not whether EPA agrees with or opposes the request. EPA will not join your request, and will likely defer to the RJO if our position is requested by the RJO.

I hope he doesn't mind that I have cut-&-pasted, here, his initial response to me. He appears to have reserved the right to take a different position, upon receiving the instant e-mail.

Even taking into account the objections stated by Mr. Goldman, I respectfully submit that a very small 6-day extension is not too much to ask, in order to make room in my life for doing

this *pro bono* project. It is a request for only a 6-day extension.

Thank you.

---*Ronald L. Clever*

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