

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)

Agrimor Int'l Co.,)

Respondent.)

) Docket No. FIFRA-04-2010-3002

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EPA REGION 4

2009 DEC 22 PM 1:20

ORDER GRANTING THIRD MOTION FOR ENLARGMENT OF TIME TO
ANSWER FIRST AMENDED COMPLAINT

PLEASE TAKE NOTICE, on December 21, 2009, Respondent, Agrimor Int'l Co., (hereinafter "Respondent") filed a *Third Motion for Enlargement of Time to Answer First Amended Complaint* ("Motion") in the above-captioned matter seeking an extension until February 13, 2009, for filing an answer to the First Amended Complaint. The basis for Respondent's Motion is that the parties are engaged in settlement discussions and additional time for submission and review of particular information is necessary in order to resolve outstanding issues and facilitate an expedited resolution of this matter.

By electronic mail on December 21, 2009, Counsel for Complainant indicated he is unopposed to the requested extension of time as long as Respondent provides certain requested documentation regarding inability to pay and "size of violator" on or before January 6, 2009¹.

During a conference call convened with the parties on December 8, 2009, I explained that for good cause shown, I am amenable to granting a very limited number of extensions of time if it appears that the parties are making progress toward settlement. I also explained that the length of time requested should realistically reflect the time

¹ Counsel specifically indicated he is unopposed to an extension until February 5, 2010, which is a week earlier than that requested by Respondent.

anticipated for entering into a Consent Agreement and Final Order. In order to better assess the parties' expectation of reaching a settlement as well as the time they anticipate would be needed to do so, I directed Complainant to file a Status Report.

According to Complainant's December 17, 2009, Status Report, EPA may need until the end of January 2010 to complete its review of the aforementioned documents submitted by January 6, 2010. Therefore, it appears that granting an extension of time sufficient to allow for both submission and review of those documents would be appropriate.

IT IS ORDERED:

1. Respondent is hereby **granted** an enlargement of time. Respondent's Answer to First Amended Complaint is due on or before **Friday, February 12, 2010**.

2. Although Respondent is encouraged to submit the necessary documents on or before the date requested by Complainant, this Order does not set a deadline for that submission. However, should the parties reach an impasse in settlement I am to be notified immediately.

Date: Dec. 22, 2009

Susan B. Schub
Susan B. Schub
Regional Judicial Officer