

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105

FILED

2007 JUL 26 AM 10:05

U.S. EPA REGION IX  
REGIONAL HEARING CLERK

IN RE:

Veterinary Service, Inc.,

RESPONDENT

DOCKET NO. FIFRA-9-2007-0011

MOTION TO EXTEND TIME  
TO RESPOND TO COMPLAINT

TO THE REGIONAL JUDICIAL OFFICER:

Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part 22, Complainant U.S. Environmental Protection Agency, Region 9 ("Complainant") moves the Regional Judicial Officer to grant a 30-day extension of time to respond to the complaint in the above-entitled action ("Complaint") to September 5, 2007. Complainant's reasons for seeking an extension for time are set forth below.

**BACKGROUND**

On June 26, 2007, Complainant filed a civil administrative action against Respondent Veterinary Service, Inc. in the above-entitled action. The Complaint alleges violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A). Respondent was served with the Complaint on or about July 5, 2007.

**ARGUMENT**

The Regional Judicial Officer may grant an extension of time to file an answer upon filing of a timely motion, a showing of good cause and after consideration of prejudice to other parties to the action. 40 C.F.R. §§ 22.7(b); 22.16. This motion satisfies these criteria.

This motion is timely, having been filed prior to the date for Respondent's response to the Complaint.

This motion also complies with the "good cause" requirement of 40 C.F.R. § 22.7(b). It is EPA's policy to encourage settlement and avoid litigation when consistent with the provisions and objectives of the law at issue. 40 C.F.R. § 22.18(b). Representatives of EPA and Respondent wish to engage in good faith settlement negotiations. EPA and Respondent agree that an extension of time to answer the Complaint would not only facilitate those discussions but also avoid unnecessary diversion of resources to adversarial pleading.

Finally, granting of this motion will not result in prejudice. The requested extension will provide EPA and Respondent additional time to engage in good faith settlement negotiations.

#### CONCLUSION

For the reasons set forth above, Complainant respectfully requests that the Regional Judicial Officer grant Complainant's motion to extend time to file a response to and including September 5, 2007.

Dated at San Francisco, California on this 26<sup>th</sup> day of July 2007.

A handwritten signature in dark ink, appearing to read "David H. Kim", is written over a horizontal line.

David H. Kim

Assistant Regional Counsel  
USEPA, Region 9

CERTIFICATE OF SERVICE

I certify that the original and a copy of the foregoing Motion to Extend Time to Respond to Complaint was hand delivered to:

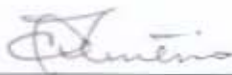
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

and that a true and correct copy of the Motion was placed in the United States Mail, addressed to the following:

Ira Dassa, Esq.  
Lynn Bergeson, Esq.  
Bergeson & Campbell, P.C.  
1203 Nineteenth Street, N.W.  
Suite 300  
Washington, D.C. 20036-2401

Dated: 7/26/07

By:

  
Office of Regional Counsel  
USEPA, Region 9