

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG-11  
2010 JAN 27 PM 1:45  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

Wyeth Pharmaceuticals Company, Inc.,

Respondent

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)  
)  
) Docket No. CWA-02-2009-3460  
)  
)  
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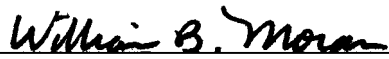
**ORDER DENYING JOINT MOTION FOR CONTINUANCE**

On January 15, 2010, the parties filed a Joint Motion for Continuance. This is not the parties first such request. After being notified on November 9, 2009, that the hearing was scheduled to begin on December 7, 2009, the parties submitted, on November 24, 2009, a Joint Motion for a continuance. In that Joint Motion the parties advised that they had "reached an agreement in principle . . . including the amount of a settlement payment" but that they requested 90 days "in order to finalize a Consent Agreement and Final Order ..." The Court allowed 60 days to conclude the matter, thereby requiring that the executed CAFO be presented by January 29, 2010.

In the present motion for another continuance the parties now not only seek an extension beyond the three months they originally sought, but even more time. On this occasion the parties seek an additional 45 days from the January 29<sup>th</sup> due date, but even that request is open-ended because the 45 extension sought is not to start running until *after* the parties have had time to "properly entertain[]" a "possible" Supplemental Environmental Project ("SEP"). The parties also advise that they "have concluded [that] both a CA/FO and an Administrative Order on Consent (AOC) will be necessary to memorialize the November 23, 2009 agreement in principle." However, the parties knew a CAFO was needed when they sought their Continuance on November 24, 2009 and stated so in that motion.

The upshot of this is that the parties now seek a continuance for some indefinite date after March 17, 2010. This is unacceptable. With no definite date even presented in their motion, the parties now want a minimum of four months, that is to say, at least 1/3 (one third) of a year, from the date they announced their "settlement in principle." Upon consideration the Court will extend, yet again, the date for submission of a fully executed CAFO, but only until March 1, 2010. Otherwise, the case will need to be reset for an immediate hearing in order to dispose of the matter.

Accordingly, upon consideration, the Parties' Motion for another continuance, which motion is open-ended, is DENIED. A fully executed CAFO is now due by March 1, 2010 or the parties will noticed that the hearing will be rescheduled for March 2010.

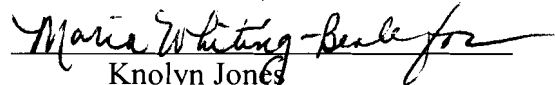
  
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William B. Moran  
United States Administrative Law Judge

Dated: January 26, 2010  
Washington, D.C.

In the Matter of Wheth Pharmaceuticals Company, Inc., Respondent  
Docket No. CWA-02-2009-3460

Certificate of Service

I certify that the foregoing **Order Denying Joint Motion For Continuance**, dated January 26, 2010, was sent this day in the following manner to the addressees listed below.

  
Knolyn Jones  
Legal Staff Assistant

Dated: January 26, 2010

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