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December 19, 2007

**By Federal Express**

U.S. Environmental Protection Agency – Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Attention: Ms. Patricia Bullock  
Regional Hearing Clerk

Re: In the Matter of: Southern Class Trucking, Inc.  
Docket No. CWA-04-2007-5188  
Our File No.: 60324-032

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Dear Patricia:

Thank you for speaking with me today about the subject of an extension for Southern Class Trucking to further pursue settlement negotiations with the EPA. Attorney Colleen Michuda for the EPA has consented to an extension until January 31, 2008 to permit further settlement talks.

As we discussed, enclosed is an original and two copies of a request for extension by Southern Class Trucking until January 31, 2008 to answer. I understand you will be out tomorrow when this packet arrives, and that either another person in the clerk's office or Colleen could mark the motion stamp-filed bearing the December 20, 2007 date. As I also explained, I was only retained on December 18, 2007 by Southern Class's insurance carrier to appear for it.

You also suggested I express a copy of the motion to Judge Schub, which I am also doing by Federal Express. Thank you for your assistance in this matter.

Please return one of the copies stamp-filed to me in the enclosed stamped, self-addressed envelope.

Sincerely yours,

J. Mark Hart

JMH:sbg  
Enclosure

cc: Hon. Susan Schub (By Federal Express) – with enclosure  
Colleen Michuda, Esq. (By Federal Express) – with enclosure  
Ms. Carole Moxon (By regular mail) – with enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

IN THE MATTER OF: )

Southern Class Trucking, Inc. )  
1997 Highway 341 S. )  
Yatesville, GA 31097 )

Respondent. )

Docket No. CWA-04-2007-5188

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**MOTION TO EXTEND TIME**

DEFENDANT Southern Class Trucking, Inc. ("Southern") moves for an extension until January 31, 2008, to file an answer setting forth defenses in law or fact. In support of the motion, Southern shows the following:

1. Southern's response to the complaint is due Thursday, December 20, 2007. Southern has engaged in settlement negotiations with Petitioner EPA. Petitioner is assembling additional information requested by the EPA to further evaluate the settlement of the case. Specifically, there are developments that will adversely effect Southern's business and ability to pay a settlement beyond a certain amount, and the EPA has requested information by which to evaluate said adverse effects. The EPA has consented to an extension until January 31, 2008. A settlement, if achieved, would be desirable for both parties.

2. Additionally, last week Southern gave notice of the claim to its insurer Progressive Insurance Company. Progressive is reviewing coverage for the claim,

and if it were covered, then insurance funds could be an additional source of funds for the settlement. This is not to represent that there is in fact coverage but that such is a possibility. Pending its coverage determination, Progressive retained the undersigned counsel on December 18, 2007 to appear for Southern at least until Progressive complete its determination.

WHEREFORE, Southern prays for an extension until Thursday, January 31, 2008, in which to file its response to the complaint.

  
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J. Mark Hart  
ASB-5059-A61J  
Email: jmh@hsy.com

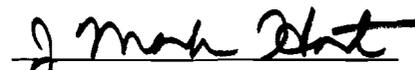
**OF COUNSEL:**

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Telephone: (205) 251-1000  
FAX: (205) 324-1133

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of December, 2007, I served a copy of the foregoing by Federal Express, properly addressed and postage prepaid to:

Colleen E. Michuda, Esq.  
Associate Regional Counsel  
U.S. Environmental Protection Agency – Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

  
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Of Counsel