



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)
Taotao USA, Inc.) Docket No. CAA-HQ-2015-8065
Taotao Group Co., Ltd., and)
Jinyun County Xiangyuan Industry)
Co., Ltd.)
Respondents.)

ORDER EXTENDING DEADLINE FOR RESPONDENTS TO FILE AMENDED ANSWERS

On July 5, 2016, I issued an order granting the Complainant’s request to amend its complaint.1 The Rules of Practice governing this proceeding provide, in relevant part, that “Respondent shall have 20 additional days from the date of service of the amended complaint to file its answer.” 40 C.F.R. § 22.14(c). On August 4, 2016, Complainant filed proof that the Amended Complaint was served on Respondents on July 18, 2016.2 The twentieth day after the Amended Complaint was served is August 8, 2016.

The Respondents, through counsel, on August 3, 2016, requested an extension on this deadline to file their amended answers. Respondents’ Motion to Extend Time for Filing Respondents’ Answers (“Motion”), at 1.

Rule 22.7(b) provides as follows:

[T]he Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after

1 The proposed Amended Complaint attached to Complainant’s Motion for Leave to Amend the Complaint and to Extend Prehearing Deadlines is deemed filed as of July 5, 2016.

2 Complainant’s August 4, 2016, Proof of Service evidences that Respondents’ counsel and Respondent Taotao USA, Inc. were served on July 18, 2016, and July 19, 2016, respectively, as indicated on the Domestic Return Receipts (“green card(s)”). Proof of Service, Attach 3. Separate Amended Complaints were mailed to Respondents Taotao Group Co., Ltd. and Jinyun County Xiangyuan Industry Co., Ltd., in care of Taotao USA, Inc., 2201 Luna Road, Carrollton, TX 75006, addressed to the attention of Matao Cao, President of Taotao USA, Inc. Id. Complainant has not received the green cards reflecting that Matao Cao received the amended complaints specifically address to his attention on behalf of Respondents Taotao Group Co., Ltd. and Jinyun County Xiangyuan Industry Co., Ltd., however Matao Cao is authorized by appointment to receive service of process on their behalf as president of Taotao USA, Inc. Taotao USA, Inc., Docket No. CAA-HQ-2015-8065 (ALJ, June 21, 2016) (Order on Motion to Quash and Dismiss). See 40 C.F.R. § 22.5(b)(1)(ii)(A). The green cards evidencing receipt of duplicate copies of the Amended Complaint sent to the same person at the same address are not necessary to show service on those respondents.

consideration of prejudice to other parties; or upon its own initiative. Any motion for an extension of time shall be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer . . . reasonable opportunity to issue an order.

40 C.F.R. § 22.7(b). Respondents' justification for seeking this extension is that "Respondents' Counsel has been working on numerous other legal matters. Furthermore, the attorney who was initially assisting in this matter has left our office." Motion at 1. Respondents' Motion indicates that Complainant does not oppose the request for an extension.

Upon consideration of the Motion and the reasons stated therein, I find that the Respondents have shown good cause and that granting the request for nine additional days to file amended answers will not prejudice Complainant. Accordingly, Respondents' Motion is hereby **GRANTED**.

Respondents' amended answers shall now be due **August 17, 2016**.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: August 5, 2016
Washington, D.C.

In the Matter of Taotao USA, Inc., Taotao Group Co., Ltd., and Jinyun County Xiangyuan Industry Co., Ltd., Respondents Docket No. CAA-HQ-2015-8065

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order Extending Deadline for Respondents to File Amended Answers**, dated August 5, 2016, were issued by Chief Administrative Law Judge Susan L. Biro, and sent to the following parties on this 5th day of August 2016, in the manner indicated.



Danielle L. Pope
Paralegal Specialist

Original and One Copy by Hand Delivery To:

Mary Angeles
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-2001

Copy by Regular Mail and E-Mail To:

Edward Kulschinsky, Esq.
Air Enforcement Counsel
U.S. EPA, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Ave., NW
William J. Clinton Federal Building
Room 1142C, Mail Code 2242A
Washington, DC 20460
Email: kulschinsky.edward@epa.gov

Copy by Regular Mail and E-Mail To:

William Chu, Esq.
The Law Office of William Chu
4455 LBJ Freeway, Suite 909
Dallas, TX 75244
Email: jstone.wmchulaw@gmail.com
Email: wmchulaw@aol.com

Dated: August 5, 2016
Washington, DC