



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Borla Performance Industries, Inc., ) Docket No. CAA-09-2020-0044  
)  
Respondent. )

**ORDER ON COMPLAINANT’S UNOPPOSED MOTION FOR EXTENSION OF REPLY  
BRIEFING DEADLINE REGARDING COMPLAINANT’S MOTION FOR  
ACCELERATED DECISION ON LIABILITY AND TO STRIKE AFFIRMATIVE  
DEFENSES**

On April 19, 2021, the U.S. Environmental Protection Agency, Region 9 (“Complainant”) filed with the Tribunal and served on Borla Performance Industries, Inc. (“Respondent”) a Motion for Accelerated Decision on Liability and to Strike Affirmative Defenses (“AD Motion”). Upon the parties’ joint motion, I granted them additional time to file briefs related to the AD Motion. Respondent filed its lengthy response brief in opposition to the AD Motion on June 12, 2021. Complainant’s reply to the response is due on July 12, 2021.

On July 2, 2021, Complainant filed an Unopposed Motion for Extension of Reply Briefing Deadline Regarding Complainant’s Motion for Accelerated Decision on Liability and to Strike Affirmative Defenses (“Motion for Extension”). Complainant requests that its deadline be extended to July 26, 2021. As grounds for the Motion for Extension, Complainant states that Respondent’s response brief “raises several new legal and factual arguments” in its 79 pages along with 72 pages of attachments that will require reasonable additional time to digest and respond. Mot. for Ext. at 2. Additionally, several Agency managers must review the reply and provide input as the legal issues to be addressed “may have significant impact on the Agency’s National Compliance Initiative.” Mot. for Ext. at 2. In the Motion for Extension, Complainant represents that no prejudice will occur, as Respondent’s counsel represented that Respondent does not object to the deadline extension. Mot. for Ext. at 2.

Under the Consolidated Rules of Practice governing this proceeding, set out at 40 C.F.R. Part 22 (“Rules”), parties are allowed 15 days to respond to a written motion and 10 days to reply to a written response. 40 C.F.R. § 22.16(b). However, the Rules empower the Presiding Officer to “set a shorter or longer time for response or reply[.]” *Id.* The Rules also authorize the Presiding Officer to “grant an extension of time for filing any document[] upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties[.]” *Id.* § 22.7(b).

I find that good cause exists to allow the requested extension of time and that neither party will be prejudiced by granting this request. The Joint Motion is **GRANTED**. Complainant’s reply to Respondent’s response is now due on or before **Monday, July 26, 2021**.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

Susan L. Biro  
Chief Administrative Law Judge

Dated: July 8, 2021  
Washington, D.C.

In the Matter of *Borla Performance Industries, Inc.*, Respondent.  
Docket No. CAA-09-2020-0044

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Unopposed Motion for Extension of Reply Briefing Deadline Regarding Complainant's Motion for Accelerated Decision on Liability and to Strike Affirmative Defenses**, dated July 8, 2021, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Attorney-Advisor

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Dated: July 8, 2021

Washington, D.C.