



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ 2014 APR -2 PM 4:45

In the Matter of: )
Aylin, Inc., Rt. 58 Food Mart, Inc., ) Docket No. RCRA-03-2013-0039
Franklin Eagle Mart Corp., and )
Adnan Kiriscioglu, )
Respondents )

REVISED1 ORDER ON RESPONDENTS' CONSENT MOTION FOR EXTENSION OF TIME

On February 20, 2014, Complainant filed a Motion for Discovery and Memorandum of Law in Support of its Motion for Discovery, requesting additional discovery. By an order dated March 11, 2014, the undersigned granted Complainant's Motion for Discovery and required that Respondents Aylin, Inc., Rt. 58 Food Mart, Inc., Franklin Eagle Mart Corp., and Adnan Kiriscioglu ("Respondents") respond to the granted discovery request by April 4, 2014.

On April 1, 2014, counsel for Respondents submitted "Respondent's [sic] Consent Motion for Extension of Time" ("Motion") and "Memorandum of Law in Support of Respondent's [sic] Consent Motion for Extension of Time" ("Memorandum"), requesting that they be given until May 5, 2014, to provide Complainant the ordered discovery responses.

In support of their Motion, Respondents note various circumstances and events making the original April 4, 2014 deadline difficult to meet, including family medical matters, previously-scheduled vacation, and failed settlement discussions. Mot. at 1. Respondents also reason that "[a]nswering 70 interrogatories, 28 document requests and a 'Financial Data Request Form' for each Respondents'[sic] inability to pay claim in approximately three weeks from the date of the Court's Order will burden Respondents." Mem. at 2. Further, Respondents assert that a one-month delay will not unreasonably delay these proceedings, and "Complainant's

1 The prior version of this Order, also issued April 2, 2014, contained a typographical error in the last sentence of the body of the Order, mistakenly referring to Respondents' Consent Motion for Extension of Time as "Complainant's Consent Motion for Extension of Time." This Order corrects the typographical error, but leaves all other substantive text the same.

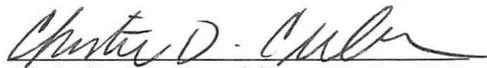
counsel agreed to a reasonable extension of time.” Mem. at 2; Mot. at 1.

The Rules of Practice that govern this proceeding, 40 C.F.R. Part 22, provide that the presiding officer may grant an extension of time for filing any document “upon timely motion . . . , for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b). Respondents’ Consent Motion for Extension of Time is **GRANTED** for good cause shown in accordance with 40 C.F.R. § 22.7(b).

**ORDER**

1. Respondents shall have until **May 5, 2014**, to respond to the discovery requests granted in the Order on Motion for Discovery, dated March 11, 2014.
2. Respondents shall submit their Prehearing Exchange(s) by **April 4, 2014**, as outlined in the Prehearing Order and Order on Motion to Stay Proceedings, dated November 5, 2013. Respondents’ Prehearing Exchange(s) need not include responses to the granted discovery requests.

**SO ORDERED.**

  
Christine D. Coughlin  
Administrative Law Judge

Dated: April 2, 2014  
Washington, D.C.

In the ADR Matter of *Aylin, Inc., RT. 58 Mart, Inc., Franklin Eagle Mart Corp., Adnan Kiriscioglu d/b/a New Jersey Petroleum Organization a/k/a NJPO*, Respondents.  
Docket No. RCRA-03-2013-0039

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Revised Order on Respondents' Consent Motion for Extension of Time, dated April 2, 2014, was sent this day in the following manner to the addressees listed below.



---

Mary Angeles  
Lead Legal Staff Assistant

Original and One Copy by Hand Delivery to:

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA / Office of Administrative Law Judges  
Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

One Copy by Electronic and Regular Mail to:

Janet E. Sharke, Esq.  
Sr. Assistant Regional Counsel  
ORC, U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Email: sharke.janet@epa.gov

Louis F. Ramalho, Esq.  
Sr. Assistant Regional Counsel  
ORC, U.S. EPA, Region III (3RC50)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Email: ramalho.louis@epa.gov

Jennifer J. Nearhood, Esq.  
Assistant Regional Counsel  
ORC, U.S. EPA, Region III, (3RC50)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Email: nearhood.jennifer@epa.gov

One Copy by Electronic and Regular Mail to:

Jeffrey L. Leiter, Esq.  
Leitner & Cramer, PLLC  
1707 L Street, NW, Suite 560  
Washington, DC 20036  
Email: jll@leitercramer.com

**Dated: April 2, 2014**  
**Washington, D.C.**