

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105**

In the Matter of:)
)
Borla Performance Industries, Inc.,)
) Docket No. CAA-R9-2020-0044
 Respondent.)
 _____)

**JOINT MOTION FOR EXTENSION OF TIME FOR FILING PREHEARING
EXCHANGE**

Pursuant to 40 C.F.R. § 22.7, Respondent Borla Performance Industries, Inc. and Complainant U.S. Environmental Protection Agency requests that the Presiding Officer extend the time set forth in the Prehearing Order dated October 19, 2020, for the parties to file their Prehearing Exchange submissions by approximately five weeks as set forth below.

Section 22.7(b) provides that the 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 consideration of prejudice to other parties.” All of these criteria support granting this tailored extension request.

The parties anticipate that the proximity of the Prehearing Exchange deadlines to the holidays, both in late November and December/January, will create challenges in gaining access to witnesses and consulting with key clients and stakeholders as needed to meet the existing deadlines. Given holiday schedules, the current deadlines if not extended will create substantial inconvenience to all participants and counsel. These scheduling difficulties are compounded by the need to conduct all activities safely in light of the ongoing pandemic, which has created

multiple challenges for counsel in preparing the submissions. These challenges associated with the present schedule constitute good cause for the requested extension.

No prejudice to any party will occur as the parties are in agreement with respect to the proposed schedule extension, and this Motion is made in a timely manner because the initial deadline to be extended is more than two weeks away.

For these reasons, the parties request that the Presiding Officer revise the deadlines in the October 19 Prehearing Order as follows:

If the case is settled, a fully-executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk no later than **January 8, 2021**, and a courtesy copy shall be filed with the Headquarters Hearing Clerk. In

In the absence of a settlement, the prehearing exchanges shall be filed pursuant to the following schedule:

January 8, 2021	Complainant's Initial Prehearing Exchange
February 12, 2021	Respondent's Prehearing Exchanges
February 26, 2021	Complainant's Rebuttal Prehearing Exchange

Respectfully submitted,

Dated November 17, 2020



Kent Mayo
BAKER BOTTS L.L.P.
700 K Street, NW
Washington, D.C. 20001
Phone: (202) 639-7700
kent.mayo@bakerbotts.com

Erik S. Jaffe
SCHAERR | JAFFE LLP
1717 K St. NW Suite 900
Washington, D.C. 20006
(202) 787-1060
ejaffe@schaerr-jaffe.com

Julie Cress
BAKER BOTTS L.L.P.
101 California Street,
Ste. 3600
San Francisco, CA 94111
Phone: (415) 291-6242
Julie.cress@bakerbotts.com

**COUNSEL FOR
RESPONDENT**

Allan Zabel, Attorney Advisor
Air & Toxics Section II
Office of Regional Counsel EPA
Region 9
75 Hawthorne Street (ORC-2)
San Francisco, CA 94105
415-972-3902
zabel.allan@epa.gov

**COUNSEL FOR
COMPLAINANT**

CERTIFICATE OF SERVICE

I, Kent Mayo, hereby certify that on this 17th day of November 2020, I have served a true and correct copy of the Joint Motion for Extension of Time for Filing Prehearing Exchange as set forth below:

Copy by OALJ Electronic Filing System to:

Mary Angeles, Headquarters Hearing Clerk
United States Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue, NW
Washington, DC 20004

Copy by Electronic Mail to:

Allan Zabel
Attorney-Advisor
United States Environmental Protection Agency, Region 9, Office of Regional Counsel
zabel.allan@epa.gov

Mark Palermo
Attorney-Advisor
United States Environmental Protection Agency, Office of Civil Enforcement
palermo.mark@epa.gov

Nathaniel Moore
Attorney-Advisor
United States Environmental Protection Agency, Region 9, Office of Regional Counsel
moore.nathaniel@epa.gov

Alyssa Katzenelson
Attorney-Advisor
Office of Administrative Law Judges
katzenelson.alyssa@epa.gov



Kent Mayo