

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

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In the Matter of:

John P. Vidiksis

Appellant.

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Docket No.: TSCA-03-2005-0266

Appeal No.: TSCA 07-02

ENVIR. APPEALS BOARD

**APPELLEE'S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE BRIEF**

The U.S. Environmental Protection Agency, Region III (the "Region") respectfully requests an extension of time for filing its response brief in the above-captioned matter.

Respondent's Brief has raised a range of issues¹ in which Complainant will need additional time to sort through, analyze and confer with various offices within EPA for an appropriate response.

On November 13, 2007, approximately thirty-four days after the filing of the Initial Decision, Respondent filed for an extension of time to file his appeal brief. Subsequently, on November 29, 2007, Appellant was granted until January 4, 2008 to file his brief. On January 8, 2008, Appellee received a copy of Appellant's Appeal Brief. Pursuant to 40 C.F.R. §22.30(a)(2), Appellee's Response Brief would be due on or about January 28, 2008. Appellee respectfully moves that it be allowed until March 13, 2008 to file its response brief. Such extension would afford the Appellee an additional 45 days in which to file its response which is reasonable and appropriate when compared to the additional 52 days the Appellant was granted for filing his

¹ In his Notice of Appeal, filed on November 13, 2007, Respondent raised 3 issues for his appeal. *Respondent's Notice of Appeal and Motions*, unnumbered p.1. However, in his Appellant Brief, filed on January 4, 2008, Respondent lists 5 issues in his Statement of Issues Presented. See *Brief on Behalf of Appellant*, p.2. To further confuse matters, within the Argument Section of Appellant's Brief, each of the 5 arguments are phrased differently and/or raise additional questions apart from the 5 issues listed in the Statement of Issues Presented Section. *Id.* at pgs 6, 7, 8, 16, and 19.

brief.²

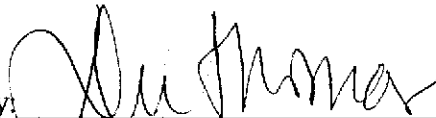
Complainant attempted to reach Respondent's counsel by telephone to both inform him of this action and request his concurrence - message left on answering machine. At the time of filing, Complainant has not received a response back from Respondent.

Respectfully submitted,

Date:

7/15/08

By



Donzetta W. Thomas (3RC30)
Counsel for Appellee
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2474

² In actuality, Appellant was allowed a total of 86 days from the date of the Initial Decision (October 10, 2007) in which to file his brief.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the date provided below, I served the Environmental Protection Agency, Region III's Motion for Extension of Time to file Response Brief in the above-captioned matter on the following persons in the manner set forth below:

Original and One Copy by FedEx Overnight Mail:

Clerk of the Board
U.S. Environmental Protection Agency
Suite 600
1341 G. Street, NW
Washington D.C. 20005

One Copy by FedEx Overnight Mail:

Keith Onsdorff
225 Windsor Avenue
Haddonfield, NJ 08033

One Copy by Hand-Delivery:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

Respectfully submitted,

Date: 4/15/08

By: 

Donzetta W. Thomas (3RC30)
Counsel for Appellee
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2474