

BEFORE THE ENVIRONMENTAL APPEALS BOARD
United States Environmental Protection Agency
Washington, D.C

In the Matter of)	
)	
Smith Farm Enterprises, L.L.C.,)	CWA Appeal No.: 08-02
Docket No.: CWA-03-2001-0022)	
Respondent.)	

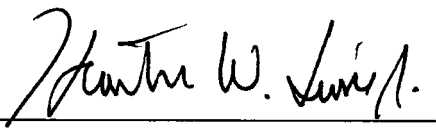
**RESPONSE OF SMITH FARM ENTERPRISES, L.L.C. TO EPA'S MOTION TO
RESCHEDULE ORAL ARGUMENT**

Smith Farm Enterprises, L.L.C. ("Smith Farm"), in response to the EPA' Motion to Reschedule Oral Argument, joins in said motion for the following reasons:

1. Hunter W. Sims, Jr. is co-counsel for Smith Farm in this matter. He has a prior scheduled professional commitment on Thursday and Friday, May 20 and May 21, 2010.
2. If the Environmental Appeals Board is inclined to grant the motion and reschedule the oral argument, counsel for Smith Farm is available on the following days: July 7-9, 12, 14, 16, 19-23 and 26-27, 2010. Counsel can provide additional dates in August and September 2010 if the above dates are not available.

WHEREFORE, Smith Farm Enterprises, L.L.C. respectfully requests the Environmental Appeals Board to reschedule the oral argument set in this case for May 20, 2010 to some other date and time convenient to the Environmental Appeals Board and all counsel of record.

SMITH FARM ENTERPRISES, L.L.C.

By 
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May 2010, the foregoing *Response of Smith Farm Enterprises, L.L.C. to EPA's Motion to Reschedule Oral Argument* was furnished:

Via Federal Express (the original and five copies):

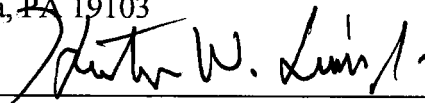
U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Via Fax and Federal Express:

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