

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

)			
In re:))	CERCLA Section 106(b) Petition	
))	No. 10-02	
American Home Mortgage Servicing, Inc.,))		
))	Docket No. ORN001002884	
Petitioner.))		
))		
))		
))		

UNOPPOSED MOTION FOR EXTENSION OF TIME

American Home Mortgage Servicing, Inc. (“Movant”) requests that the Environmental Appeals Board (“EAB”) grant a fourteen (14) day extension of time to file its response to the motion to dismiss filed on behalf of the U.S. Environmental Protection Agency, Region 10 (“EPA”) in the above-captioned matter. Movant seeks this additional time because the parties’ counsel have been focusing their efforts on preliminary settlement discussions. Movant received an oral report on preliminary site sampling results from the EPA on January 24, 2011; these results have not yet been confirmed. After receiving this information, which was necessary to provide context for the parties’ discussions, the parties communicated diligently and in good faith regarding potential terms for a negotiated resolution of this matter, up to and including January 31, 2011. Movant has decided not to proceed further with settlement discussions at this time and respectfully requests additional time to prepare and to submit its response to the EPA’s motion to dismiss.

Movant’s response is currently due January 31, 2011. Movant’s counsel believes that a fourteen (14) day extension will allow Movant to provide an adequate response to the EPA’s motion to dismiss and will not prejudice the EPA. Movant represents that Opposing Counsel

does not oppose this motion. (See Email from Deniz Ergener, EPA Assistant Regional Counsel, to Karen L. Reed, Movant's Counsel, dated January 31, 2011, attached hereto.)

For the reasons set forth above, Movant respectfully requests that this Unopposed Motion for Extension of Time be granted and that the EAB extend the deadline for Movant's response to said motion by fourteen (14) days, to and including February 14, 2011.

Respectfully submitted,

BATEMAN SEIDEL MINER BLOMGREN
CHELLIS & GRAM, P.C.



By: Karen L. Reed, Esq.
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Date: 01/31/2011

Attorneys for Movant

Facility:
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Unopposed Motion for Extension of Time to be served by United States First Class Mail, postage prepaid, and by electronic mail on the following person, this 31st day of January, 2011:

Deniz Ergener
Assistant Regional Counsel
US EPA Region 10
Ergener.Deniz@epamail.epa.gov
Mail Stop ORC-158
1200 6th Ave., Suite 900
Seattle WA 98101



Attorney for Petitioner

From: Ergener.Deniz@epamail.epa.gov
To: [Tina Dent](#)
Cc: [Karen L. Reed](#)
Subject: RE: Emailing: Mot_Extension_Time.docx
Date: Monday, January 31, 2011 1:35:04 PM

We will not oppose the motion. So why don't you send me a final pdf signed copy and I will file it electronically and forward confirmation of that.

Deniz Ergener
Assistant Regional Counsel
US EPA Region 10
(206) 553-1073

From: Tina Dent <tdent@batemanseidel.com>
To: "Karen L. Reed" <kreed@batemanseidel.com>, Deniz Ergener/R10/USEPA/US@EPA
Date: 01/31/2011 12:47 PM
Subject: RE: Emailing: Mot_Extension_Time.docx

Karen & Deniz,

I spoke with Eurika Durr at the EAB about the extension of time. We can electronically file the motion and simply need to attach the letter/email/correspondence wherein opposing counsel has indicated there is no objection. There is a form on-line for the motion for extension; I will go ahead and conform this version and recirculate.

Thanks!
Tina

-----Original Message-----

From: Karen L. Reed
Sent: Monday, January 31, 2011 12:19 PM
To: Ergener.Deniz@epamail.epa.gov
Cc: Tina Dent
Subject: Emailing: Mot_Extension_Time.docx
Importance: High

Deniz,

We are still waiting to hear back from the EAB, but I wanted to go ahead and get you a draft motion for extension to review. I am going to a meeting right now and will return in about 1-1/2 hours. If you need to reach me before then, feel free to call my mobile phone at 503-616-6860. Thanks!

Karen L. Reed
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