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ATTORNEY MARK A. HANNI, LLC

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ENVIR. APPEALS BOARD

May 18, 2016

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

RE: *PoloDevelopment, Inc., et al*, CWA-05-2013-4003

Dear Clerk:

Enclosed please find an original and two copies of Respondent's Motion for Extension of Time to file notice of Appeal. Please file the original and return a time-stamped copy to me in the enclosed, return envelope.

Thank you for your assistance in filing this pleading.

Sincerely yours,

Mark A. Hanni
ATTORNEY AT LAW

MAH/smh
Encls.



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2016 MAY 19 AM 11:51
ENVIR. APPEALS BOARD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of :

Polo Development, Inc.,
AIM Georgia, L.L.C., and
Joseph Zdrilich

Respondents

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Docket No. CWA-05-2013-0003

**RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF
APPEAL FROM DECISION DATED DECEMBER 1, 2015 AND APPEAL BRIEF**

Pursuant to 40 C.F.R. §22.7(b), Respondents Polo Development, Inc., AIM Georgia, L.L.C., and Joseph Zdrilich move for an extension of time until June 15, 2016 to file a notice of appeal and appeal brief from the order issued in this case on December 1, 2015. Respondents state in support of this motion that its previous counsel was, unbeknownst to Respondents subject to proceedings by the Ohio Bar which resulted in the suspension of the attorney from practice. Also unbeknownst to Respondents, that prior attorney either did not take necessary steps to appeal the civil penalty, or improperly took steps to perfect such an appeal. Respondents have recently engaged new counsel who wishes to properly assert Respondent's appeal rights. New counsel needs a reasonable period of time to review the file and prepare the necessary papers to properly file an appeal. The governing regulations afford this body discretion to adjust applicable time periods in such a way that Respondents will preserve their appeal rights. Under the circumstances of this case, permitting a delayed appeal would promote the interests of due process of law and justice. For the reasons set forth in this motion, Respondents should be

granted until June 15, 2016 to file the requisite notice of appeal from the December 1, 2015 decision and the appeals brief.

Respectfully submitted,



MARK A. HANNI (0077475)

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Youngstown, OH 44514

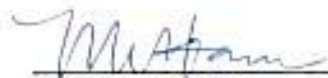
330.726.7777 – phone

330.726.7779 – fax

Attorney for Respondents

CERTIFICATE OF SERVICE

The foregoing Motion of Respondents for Extension of Time to File Notice of Appeal and Appeal Brief was sent by electronic mail and regular United States Mail to Richard J. Clairizio, Esq., U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604 on the 18th day of May 2016.



Mark A. Hanni

Attorney for Respondents