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**UNITED STATES OF AMERICA  
ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD**

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ENVR. APPEALS BOARD

_____	)	
In The Matter of	)	
	)	
Smith Farm Enterprises, LLC,	)	CWA Appeal No. 05-05
	)	
Respondent	)	
	)	
Initial Decision: May 5, 2005	)	
Docket No. CWA-3-2001-0022	)	
Presiding Officer: Administrative Law	)	
Judge Carl C. Charneski	)	
_____	)	

**MOTION FOR EXTENSION OF TIME TO FILE  
COMPLAINANTS' APPELLATE BRIEF**

Complainants respectfully request a short extension of time to July 20, 2005 to file their responsive brief in this matter. The Initial Decision in this matter was issued May 5, 2005. On June 2, 2005, Respondents filed a Notice of Appeal along with their appellate brief. The Notice of Appeal and appellate brief were served on Complainants' counsel by Federal Express and received June 3, 2005. Complainants' responsive brief currently is due June 22, 2005.

Complainants respectfully request an extension to July 20, 2005 to file Complainants' responsive brief. The bases for the request are the need to coordinate Complainants' responsive brief with the U.S. Environmental Protection Agency's headquarters office and the workload of counsel for Complainants, which includes a deadline for filing a prehearing exchange in another matter, the need to file an administrative record in federal court in another matter, and the need to prepare for oral argument before the Board in the *Matter of Vico Construction Corporation and Amelia Venture Properties, L.L.C.*, CWA App. No. 05-01 on July 14, 2005.

Respondent will not be prejudiced by the relief requested in this motion. Counsel for Complainants has conferred with Counsel for Respondent. Counsel for Respondent has indicated that Respondent opposes an extension to July 20, 2005, because Respondent intends to request oral argument in this matter and that such oral argument be consolidated with the oral argument in *Matter of Vico Construction Corporation, et al.* scheduled for July 14, 2005. Respondent's Counsel has indicated that Respondent does not oppose an extension to July 1, 2005.

Respectfully submitted,

Date: 6/8/05



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CERTIFICATE OF SERVICE

I hereby certify that on this date I caused the foregoing Complainants' Motion for Extension of Time to File Complainants' Appellate Brief in the Matter of Smith Farm Enterprises, LLC, CWA Appeal No. 05-05 to be served in the following manner:

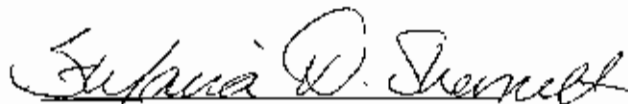
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1341 G Street, N.W., Sixth Floor  
Washington, D.C. 20005

6/8/05  
Date

  
Stefania D. Shamet