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ENVIR. APPEALS BOARD

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

IN RE:

DOCKET NO. CWA-9-2009-0006

SAN PEDRO FORKLIFT, INC.

**RESPONDENT, SAN PEDRO
FORKLIFT, INC.'S REQUEST FOR
A FIRST EXTENSION OF TIME TO
FILE ITS RESPONDING BRIEF**

RESPONDENT

COMES NOW Respondent SAN PEDRO FORKLIFT, INC. and respectfully moves the Environmental Appeals Board for an order granting Respondent a thirty (30) day extension to file its Responding Brief.

I.

PROCEDURAL HISTORY

After the Environmental Appeals Board granted *Complainant* two (2) successive extensions of time to file its Notice of Appeal and Opening Brief, Complainant did so on April 27, 2012. Respondent, however, did not receive the Brief until May 2, 2012 because it was served by certified mail. Presently, Respondent must file its Brief on or before May 17, 2012, a time frame of less than two weeks.

The transcript of the Administrative trial exceeds 2,200 pages. Additionally, there are numerous and voluminous exhibits. Complainant's Brief is 40 pages long and is densely annotated both citations to the record and case law.

For these reasons, Respondent will be unable to submit a quality brief within the relatively short time remaining to do so.

Complainant has been granted extensions of time totally 39 days to file its Opening Brief.

II.

REQUEST

Respondent request an extension of time of thirty (30) days up to and including June 18, 2012 to submit its Responding Brief.

Counsel for Respondent has contacted Plaintiff's counsel who does not object to the extension.

DATED: May ⁴ 2012

Respectfully submitted,

FRANCESCHI LAW CORPORATION

BY: _____

Ernest J. Franceschi, Jr.
Attorney for Respondent,
SAN PEDRO FORKLIFT, INC.

CERTIFICATE OF SERVICE

I certify that the original and five copies of the foregoing **RESPONDENT, SAN PEDRO FORKLIFT, INC.'S REQUEST FOR A FIRST EXTENSION OF TIME TO FILE ITS RESPONDING BRIEF** was sent via facsimile and U.S. Mail to:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

and that a true and correct copy of the said document was sent by First Class United States mail, addressed to the following:

Julia A. Jackson
Assistant Regional Counsel
U.S. EPA, Region 9 (ORC-2)
75 Hawthorne Street
San Francisco, CA 94105
Tel: (415) 972-3948
Fax: (415) 947-3570

Dated: May 4, 2012

By:


Ernest I. France, Jr.