



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
**E-19J**

July 9, 2010

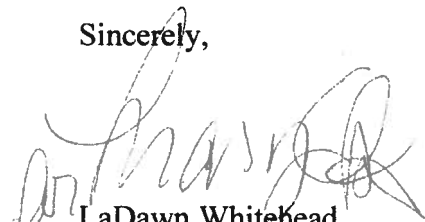
Kathryn A. Watson  
Spalding & Hilmes, PC  
330 South Downey Avenue  
Indianapolis, IN 46219-7047

In the Matter of Batesville Gas & Water Utility and  
Don Gunter Excavating, LLC  
Docket No. CWA-05-2010-0013

Dear Ms. Watson:

Enclosed please find per your request the file stamped copies of an Appearance by Counsel and Motion for Enlargement of Time in which to File an Answer.

Sincerely,



LaDawn Whitehead  
Regional Hearing Clerk

# SPALDING & HILMES, PC

*Attorneys At Law*

*Kathryn A. Watson*

317.257.5970

*kawatson@spaldinglaw.net*

## VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

June 6, 2010

Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, IL 60604-3590

**Re: In the Matter of Batesville Gas & Water Utility and  
Don Gunter Excavating, LLC  
Docket No. CWA-05-2010-0013**

Dear Sir/Madam:

Enclosed please find for filing one original and one copy each of an Appearance by Counsel and Motion for Enlargement of Time in which to File an Answer. Please return to me a file stamped copy of each in the enclosed, self-addressed envelope. I have also included a Proposed Order for the Regional Judicial Officer's convenience.

Please let me know if you have any questions.

Sincerely,



Kathryn A. Watson

Encl.

cc: Don and Brenda Gunter

**RECEIVED**  
JUL 09 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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JUL 09 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

In the Matter of )  
)  
Batesville Water & Gas Utility, )  
Batesville, Indiana, )  
)  
and )  
)  
Don Gunter Excavating, LLC )  
Batesville, Indiana, )  
)  
)  
Respondents. )  
\_\_\_\_\_ )


Proceeding to Assess a Class II Civil  
Penalty Under Section 309(g) of the  
Clean Water Act, 33 U.S.C. §1319(g)

Docket No. CWA-05-2010-0013

APPEARANCE BY COUNSEL

The undersigned counsel hereby appears on behalf of Respondent Don Gunter  
Excavating, LLC in the instant cause.

Respectfully submitted,



Kathryn A. Watson  
Spalding & Hilmes, PC  
330 South Downey Avenue  
Indianapolis, IN 46219  
(317) 259-5790

Date: 7/6/10

**CERTIFICATE OF SERVICE**

**RECEIVED**  
JUL 09 2010

I certify that the foregoing "Appearance by Counsel," dated 7/6/10,  
in the following manner to the addresses listed below:

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
was sent this day

Original by Regular Mail to: Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, IL 60604-3590


Copy by Regular Mail to:

Regional Judicial Officer: The Honorable Marcy Toney  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Complainant: Jeffrey A. Cahn  
Associate Regional Counsel  
Office of Regional Counsel (C-14J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Respondent Batesville Water & Gas Utility:

Larry Kane  
Bingham McHale, LLP  
2700 Market tower  
10 West Market Street  
Indianapolis, IN 46204

  
\_\_\_\_\_  
Kathryn A. Watson

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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JUL 09 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

In the Matter of )  
)  
Batesville Water & Gas Utility, )  
Batesville, Indiana, )  
and )  
Don Gunter Excavating, LLC )  
Batesville, Indiana, )  
)  
)  
Respondents. )  
\_\_\_\_\_ )

Proceeding to Assess a Class II Civil  
Penalty Under Section 309(g) of the  
Clean Water Act, 33 U.S.C. §1319(g)

Docket No. CWA-05-2010-0013

**MOTION FOR ENLARGEMENT OF TIME IN WHICH TO ANSWER  
ADMINISTRATIVE COMPLAINT**

Respondent Don Gunter Excavating, LLC (“Gunter”), by and through its counsel, pursuant to Rule 22.7(b) of the Consolidated Rules of Practice (40 C.F.R. §22.7(b)) respectfully requests a thirty (30) day extension of time to file its Answer and as good cause therefor states as follows:

1. Gunter received the Administrative Complaint on June 14, 2010.
2. Gunter’s Answer is due July 14, 2010.
3. Gunter’s undersigned counsel was retained June 25, 2010, and requires additional time to become acquainted with this matter, amid other obligations. Furthermore, Gunter’s counsel will be away from the office on a previously scheduled matter from July 9 until July 26.
4. This Motion is not made for purposes of delay.

Prior to filing this Motion, the undersigned counsel contacted the counsel for the other parties as to the extension requested herein and said counsel indicated that they did not oppose the requested Enlargement.

Respectfully submitted,



Kathryn A. Watson  
Spalding & Hilmes, PC  
330 South Downey Avenue  
Indianapolis, IN 46219  
(317) 259-5790

Date: 7/6/10

RECEIVED

JUL 09 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**CERTIFICATE OF SERVICE**

I certify that the foregoing "Motion for Enlargement of Time in which to Answer Administrative Complaint," dated 7/6/10, was sent this day in the following manner to the addresses listed below:

Original by Regular Mail to: Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, IL 60604-3590

Copy by Regular Mail to:

Regional Judicial Officer: The Honorable Marcy Toney (C-14J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3507

Attorney for Complainant: Jeffrey A. Cahn  
Associate Regional Counsel  
Office of Regional Counsel (C-14J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attorney for Respondent Batesville Water & Gas Utility:

Larry Kane  
Bingham McHale, LLP  
2700 Market tower  
10 West Market Street  
Indianapolis, IN 46204



\_\_\_\_\_  
Kathryn A. Watson

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of</b>	)	
	)	
<b>Batesville Water &amp; Gas Utility,</b>	)	<b>Proceeding to Assess a Class II Civil</b>
<b>Batesville, Indiana,</b>	)	<b>Penalty Under Section 309(g) of the</b>
	)	<b>Clean Water Act, 33 U.S.C. §1319(g)</b>
<b>and</b>	)	
	)	
<b>Don Gunter Excavating, LLC</b>	)	<b>Docket No. CWA-05-2010-0013</b>
<b>Batesville, Indiana,</b>	)	
	)	
	)	
<b>Respondents.</b>	)	
_____	)	

**ORDER**

Respondent Don Gunter Excavating, LLC, by counsel, having moved the court for an enlargement of time of thirty (30) days in which to file an Answer, and the court having determined said motion was made for good cause and otherwise being duly advised in the premises and, hereby grants said Motion and orders that the Respondent Don Gunter Excavating, LLC has to and including August 13, 2010 in which to file its Answer.

So ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_



cc:

Kathryn A. Watson  
Spalding & Hilmes, PC  
330 South Downey Avenue  
Indianapolis, IN 46219

Jeffrey A. Cahn  
Associate Regional Counsel  
Office of Regional Counsel (C-14J)  
U.S. Environmental Protection Agency  
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Chicago, IL 60604-3590

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