

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:)
)
Mardaph II, LLC, Mardaph III, LLC) Docket No. TSCA-05-2008-0019
and Vinnie Wilson,)
)
Respondents)

**ORDER GRANTING RESPONDENT'S MOTION FOR AN EXTENSION OF TIME
TO FILE PREHEARING EXCHANGE**

By Order dated October 8, 2009, Complainant was directed to file its initial prehearing exchange on November 20, 2009, Respondents were directed to file a prehearing exchange on December 11, and Complainant was directed to file a rebuttal prehearing exchange on December 28, 2009. Complainant filed its initial Prehearing Exchange. On December 8, 2009 Respondents, appearing *pro se*, submitted a Motion for an Extension of Time, seeking a sixty (60) day extension of time to file their prehearing exchange.

A copy of Respondent's request for documents from the Cincinnati Metropolitan Housing Authority, Section 8 Division, dated October 22, 2009, along with a CMHA receipt dated October 27, 2009, was received by the undersigned. Respondents indicate in their Motion that the Director of the Cincinnati Metropolitan Housing Authority, Section 8 Division has failed to comply with their request. Upon inquiry from the undersigned's staff attorney, Complainant's counsel stated that he does not object to the Motion, and reported that the parties are making efforts toward achieving a settlement of this case.

An extension of 60 days is unusually lengthy, and such lengthy extensions will not be granted absent specific and persuasive reasons for such a delay. Such a lengthy extension of time is warranted here where the Respondents are appearing *pro se*, they apparently are waiting for a response to their request for documents from the Cincinnati Metropolitan Housing Authority, and the parties are actively working toward a settlement of this case. In that a hearing in this case has not been scheduled, no prejudice will result from a sixty day delay.

Accordingly, the Motion is hereby **GRANTED**. If a Consent Agreement and Final Order has not been filed beforehand, Respondents shall file their prehearing exchange on or before **February 10, 2010**, and Complainant shall file its rebuttal prehearing exchange on or before **February 24, 2010**.



Susan L. Biro
Chief Administrative Law Judge

Date: December 10, 2009
Washington, D.C.

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In the Matter of Mardaph II, LLC, Mardaph III, LLC & Vinnie Wilson, Respondents
Docket No. TSCA-05-2008-0019

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Respondent's Motion For An Extension Of Time To File Prehearing Exchange**, dated December 10, 2009, was sent this day in the following manner to the addressees listed below.


Maria Whiting-Beale
Staff Assistant

Dated: December 10, 2009

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60605-3590

Copy By Pouch Mail To:

Peter Felitti, Esquire
Office of Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy By Regular Mail To:

Vinnie Wilson
P.O. Box 317639
Cincinnati, OH 45231

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