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7 UNITED STATES
8 ENVIRONMENTAL PROTECTION AGENCY
REGION IX
9

10 In the Matter of:) Docket No. TSCA-09-2019-0070
11)
12 Fusion Windows and Doors Inc.,) MOTION FOR EXTENSION OF
13) TIME TO FILE ANSWER
14 Respondent.)
_____)

15
16 TO THE REGIONAL JUDICIAL OFFICER:
17

18 Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part
19 22, Complainant U.S. Environmental Protection Agency, Region IX (“Complainant”), moves the
20 Regional Judicial Officer to grant a 60-day extension of time to respond to the complaint in the
21 above-entitled action (the “Complaint”) to January 3, 2020. Complainant’s reasons for seeking
22 an extension for time are set forth below.

23 BACKGROUND

24 On September 27, 2019, Complainant filed a civil administrative action against
25 Respondent Fusion Windows and Doors Inc. in the above-entitled action. The Complaint alleges
26 violations of Section 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2689, by
27 failing to comply with Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, and their
28 implementing federal regulations promulgated at 40 C.F.R. Part 745, Subpart E. Respondent was

1 served with the Complaint on October 4, 2019, and Respondent's response to the Complaint is
2 due by November 4, 2019 (technically, the due date is November 3, 2019, but since this falls on a
3 Sunday then, pursuant to 40 C.F.R. § 22.7(a), the due date shall be extended to include the next
4 business day).

5 ARGUMENT

6 The Regional Judicial Officer may grant an extension of time to file an answer upon
7 filing of a timely motion, a showing of good cause and after consideration of prejudice to other
8 parties to the action. 40 C.F.R. §§ 22.7(b) and 22.16. This motion satisfies these criteria.

9 This motion is timely, having been filed prior to the due date for Respondent's answer to
10 the Complaint.

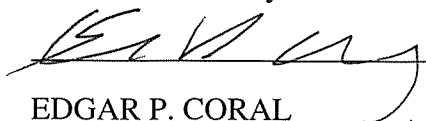
11 This motion also complies with the "good cause" requirement of 40 C.F.R. § 22.7(b). It is
12 Complainant's policy to encourage settlement and avoid litigation when consistent with the
13 provisions and objectives of the law at issue. 40 C.F.R. § 22.18(b). Representatives of
14 Complainant and Respondent have just begun discussing settlement of the above-captioned
15 matter, and a 60-day extension of time to answer will facilitate such negotiations, particularly
16 since Respondent's counsel was only retained as of October 7, 2019.

17 Finally, granting of this motion will not result in prejudice. As noted above, the parties
18 are involved in settlement discussions and the requested extension will provide Complainant and
19 Respondent sufficient time to reach and finalize settlement and fully resolve the matter.
20 Respondent does not object to this Motion.

21 CONCLUSION

22 For the reasons set forth above, Complainant respectfully requests that the Regional
23 Judicial Officer grant Complainant's motion for a 60-day extension of time to file an answer to
24 and including January 3, 2020.

25 Dated at San Francisco, California, on this 1st day of November, 2019.

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27 EDGAR P. CORAL
28 Assistant Regional Counsel
U.S. Environmental Protection Agency, Region IX

CERTIFICATE OF SERVICE


I certify that the original and one copy of the foregoing Motion for Extension of Time to File Answer (Docket No. TSCA-9-2019-0070) was hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

and that a true and correct copy of the Motion was placed in the United States Mail, addressed to the following:

Jilbert Tahmazian, Esq.
Tahmazian Law Firm, P.C.
1518 West Glenoaks Boulevard
Glendale, CA 91201

Dated: 11/04/19

By: 
U.S. Environmental Protection Agency, Region IX