

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Schulze & Burch Biscuit Company
Chicago, Illinois

Respondent

)
Docket No. CAA-05-2011-0034

)
Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean
Air Act, 42 U.S.C. § 7413(d)

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Respondent's Third Motion to Extend Time to Answer or Otherwise Plead

Respondent, Schulze & Burch Biscuit Company ("S&B" or "Respondent"), by and through its attorneys, the Law Offices of Carey S. Rosemarin, P.C., respectfully moves the Regional Judicial Officer to increase by another 30 days the time by which Respondent must answer the Complaint, or otherwise plead in response thereto. In support of this Motion, S&B states as follows:

1. By Order dated June 8, 2011, S&B's response to the Complaint is due July 5, 2011.
2. The United States Environmental Protection Agency, Region 5 ("EPA"), and S&B reached a settlement in principal, which anticipates the inclusion of certain supplemental environmental projects (SEPs).
3. Since reaching a settlement in principal, the parties have been negotiating the terms of a draft consent agreement and final order ("CAFO") and drafts of such document have been exchanged.
4. S&B anticipates a final CAFO can be executed shortly, in light of the fact that it does not appear that substantive issues between the parties remain unresolved.

5. It is to the mutual benefit of EPA and S&B to allow additional time for the Parties to focus their efforts on finalizing their settlement agreement, rather than furthering needless litigation.

WHEREFORE, S&B respectfully requests the Regional Judicial Officer to grant this Second Motion for Extension and enter an Order stating that S&B shall have until August 5, 2011 to answer or otherwise plead.

Dated: July 1, 2011

Respectfully submitted,

Schulze & Burch

By: 
One of its Attorneys

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Certificate of Service

I, Carey S. Rosemarin, hereby certify that on July 1, 2011, I caused a pdf of the original of the foregoing document to be e-mailed to the Regional Hearing Clerk, the Regional Judicial Officer and Associate Regional Counsel of Record, at the following addresses:

La Dawn Whitehead (whitehead.ladawn@epa.gov)

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Carey S. Rosemarin

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