

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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In the Matter of: )

Mathie Energy Supply Company, Inc., )

Respondent. )  
\_\_\_\_\_ )

Docket No. FIFRA-05-2012-0022

**ORDER GRANTING MOTION FOR EXTENSION OF TIME**


Respondent has filed a Motion for Extension of Time, seeking an additional 30 days within which to answer the Complaint in the above-captioned matter. This is Respondent's third request for an extension of time to answer. Respondent has stated that the parties are continuing settlement negotiations, EPA has requested additional information and the additional time is necessary for EPA to analyze Respondent's financial records. Respondent attached a copy of an email from EPA to Respondent, which states that EPA does not oppose this motion.

Under the Consolidated Rules, the Presiding Officer may grant a motion for an extension of time upon timely filing of the motion by a party to the proceeding, for good cause shown and after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). A document is filed when it is received by the appropriate Clerk. 40 C.F.R. § 22.5(a)(1). Pursuant to my January 30, 2013, Order, Respondent was required to file an answer or otherwise plead by February 12, 2013. Respondent filed the instant motion on February 20, 2013, more than a week after the deadline and, therefore, out of time.<sup>1</sup> In the interest of the efficient adjudication of this matter, however, I will allow and consider the motion.

Pursuant to 40 C.F.R. §§ 22.4(c)(10) and 7(b) and for good cause shown, Respondent's Motion for Extension of Time is GRANTED. Respondent will have an additional 30 days, until and including **March 15, 2013**, to file an answer the Complaint or otherwise plead in this matter.

**IT IS SO ORDERED.**

Date: February 22, 2013

  
Ann L. Coyle  
Regional Judicial Officer  
U.S. EPA Region 5

<sup>1</sup> In addition to this motion being out of time, Respondent filed its previous Motion for Extension of Time six days late. The Consolidated Rules are clear: a document is filed when it is received by the appropriate Clerk and any motion for an extension of time must "be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer ... reasonable opportunity to issue an order." 40 C.F.R. §§ 22.5(a)(1) and 7(b). The parties have not sought authorization for nor have I authorized electronic filing; therefore, Respondent must take into account the amount of time it takes to mail a document when filing its motions. Respondent is advised to adhere to procedural requirements set forth in the Consolidated Rules.

In the matter of: Mathie Energy Supply Company, Inc.  
Docket No.: FIFRA-05-2012-0022

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**CERTIFICATE OF SERVICE**

I certify that I filed with the Regional Hearing Clerk the original and one copy of the foregoing **ORDER GRANTING MOTION FOR EXTENSION OF TIME**, dated February 22, 2013, by hand delivery at the following address:

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (E-19J)  
Chicago, Illinois 60604

On the 22 day of February 2013.

By:



Mary Ortiz  
Administrative Program Assistant  
Office of Regional Counsel

In the matter of: Mathie Energy Supply Company, Inc.  
Docket No.: FIFRA-05-2012-0022

**CERTIFICATE OF SERVICE**

I certify that I sent the foregoing **ORDER GRANTING MOTION FOR EXTENSION OF TIME**, dated February 22, 2013, to the following people in the following manner:

Copy, by EPA internal mail, to: Ann Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, Illinois 60604

Copy, by EPA internal mail: Mark J. Koller  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, Illinois 60604

Copy, by certified mail,  
return-receipt requested John A. Decker  
Braun Kendrick Finkbeiner P.L.C.  
4301 Fashion Square Boulevard  
Saginaw, Michigan 48603  
Receipt no: 7001 0320 0006 1455 6169

On the 25 day of February 2013.

By:



LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

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