

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, New York 10007

U.S. Environmental  
Protection Agency-Reg 2  
2015 JUN 30 PM 3: 33  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

**Michael B. Rapasadi**

2106 Lake Road  
Oneida, NY 13421

**Thomas R. Rapasadi**

2106 Lake Road  
Oneida, NY 13421

Respondents.

**Proceeding pursuant to § 309(g)  
of the Clean Water Act, 33 U.S.C. § 1319(g)**

**Proceeding to Access Class I  
Civil Penalties Pursuant to Section  
309(g) of the Clean Water Act**

**Docket No. CWA-02-2013-3601**

**RESPONDENTS MOTION FOR ADJOURNMENT OF 45 DAYS TO ANSWER  
THE CLAIMANTS' MOTION FOR ACCELERATED DECISION ON LIABILITY BY  
REASON OF TODAY'S FIRST ISSUE OF FINAL DECISION BY US ARMY CORP OF  
ENGINEERS ON THE SUBJECTS INVOLVED IN THE CLAIMANTS MOTION**

Upon the attached affidavit of John Benjamin Carroll dated the 29 day of June, 2015, the undersigned on behalf of the above Respondents hereby moves for a 45 days adjournment of time to Answer the Claimant's Motion of Accelerated Decision of Liability by reason of Today's First Issue of Final Decision by US Army Corp of Engineers on the subjects involved in the Claimants Motion.

Dated: June 29, 2015

Carroll and Carroll Lawyers, P.C.

/s/ 

By: John Benjamin Carroll, P.C.  
440 South Warren Street  
Syracuse, New York 13202  
Telephone: 315-474-5356

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ENGINEERS ON THE SUBJECTS INVOLVED IN THE CLAIMANTS MOTION**

John Benjamin Carroll, first being duly sworn deposes and says:

- 1) I am counsel for the Respondent herein.
- 2) Today, for the first time, a decision has been issued in Federal Register, Vol. 80, No. 124 on the date of June 29, 2015. This is a major statement on the issues involved in the Claimant's motion. It is highly complex, contains new and essential information and consists of 75 pages. We require 45 days for our review, our client's review, and expert review of the attached Federal Register included inhere for the convince of Court and Counsel. Unless the attached decision is giving consideration by both the Court, the

Claimant and ourselves, no serious progress will happen in this case and work would have to be redone.

- 3) This is a final decision, available for the first time June 29, was received by me when I was not in the office and have had no opportunity to review.
- 4) On this date, I have asked Claimant's attorney for consent by email but I have not had a response. Previous to the receipt of this decision of the US Corp of Engineers, we were advised that Claimant would object to further adjournment. That statement was made without regard to the attached documents which completely change everything.

Respectfully submitted,

Carroll and Carroll Lawyers, P.C.

/s/ 

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By: John Benjamin Carroll, P.C.  
440 South Warren Street  
Syracuse, New York 13202  
Telephone: 315-474-5356

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**AFFIDAVIT OF MAILING**

I, Julia Zimmer, being duly sworn, deposes and says that deponent is not a party to this action, is over 18 years of age, and resides in Syracuse, NY 13206.

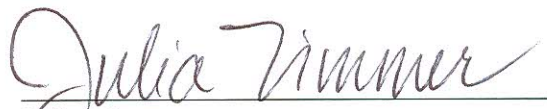
That on the 21th day of June, 2015 deponent served copies of Respondents Second Motion for Adjournment of Time to Answer the Claimants Motion for Accelerated Decision on Liability by reason of Today's First Issue of Final Decision by US Army Coup of Engineers on the subjects involved in the Claimants Motion, in the above reference matter to:

(Original and two copies)  
Regional Hearing Clerk  
US Environmental Protection Agency  
290 Broadway, 16th Floor  
New York, NY 10007

(Additional Copies)  
Lauren Fischer, Esq.  
Assistant Regional Counsel  
US Environmental Protection Agency  
290 Broadway, 16th Floor  
New York, NY 10007

Helen S. Ferraro, RJO  
Presiding Officer  
US Environmental Protection Agency  
290 Broadway, 16th Floor  
New York, NY 10007

by depositing same enclosed in a postpaid properly addressed wrapper, with Express Mail postage, in a post office-official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
Julia Zimmer

Sworn to before me this  
29 day of June, 2015.

  
Notary Public

WOODRUFF LEE CARROLL  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02CA6079830  
Qualified in Onondaga County  
Commission Expires September 3, 2018