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5
 6 UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 7 REGION IX

8
 9 In the Matter of:
 10 AbTech Industries, Inc.,
 11 Respondent.

Docket No. FIFRA-09-2008-0025

**MOTION FOR THIRD EXTENSION
 (ONE DAY) TO FILE ANSWER
 (UNOPPOSED)**

12
 13 Respondent AbTech Industries, Inc. moves for an additional extension of one (1)
 14 day, until January 22, 2009, to file its Answer to the Complaint in this case. The reason for
 15 the extension request is to allow time to transmit the original Answer and Request for
 16 Hearing to EPA Region IX via overnight mail.
 17


18 Counsel for Respondent has consulted with counsel for EPA Region IX, Edgar
 19 Coral, who concurs in this request. For these reasons, Respondent respectfully requests an
 20 extension of time to file its Answer until January 22, 2009.
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 22

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DATED this 21st day of January, 2009.

GALLAGHER & KENNEDY, P.A.

By: 
Jerald C. Thompson
Dalva L. Moellenberg
2575 East Camelback Road
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Attorneys for Respondent

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CERTIFICATE OF SERVICE

I certify that the original and one copy of the foregoing **MOTION FOR THIRD EXTENSION (ONE DAY) TO FILE ANSWER (UNOPPOSED)** (Docket No. FIFRA-09-2008-08-0025) was sent via overnight mail to:

Danielle Carr
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 foregoing **MOTION FOR THIRD EXTENSION (ONE DAY) TO FILE ANSWER (UNOPPOSED)** (Docket No. FIFRA-09-2008-08-0025) was sent via overnight mail to:

Edgar P. Coral
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Dated: 1/21/09

By: *Carole M. Helvik*

1970349

GALLAGHER & KENNEDY

P.A.

LAW OFFICES

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