#### LAW OFFICES OF

## CAREY S. ROSEMARIN, P.C.

847-897-8000

### 500 SKOKIE BOULEVARD, SUITE 510 NORTHBROOK, ILLINOIS 60062

WWW.ROSEMARINLAW.COM

Fax: 847-919-4600 ajm@rosemarinlaw.com

June 1, 2011

Office of the Regional Hearing Clerk Attention: La Dawn Whitehead US EPA, Region 5 77 W. Jackson Blvd. Mail Code: E-19J

Chicago, IL 60604-3590

Re: In the matter of Schulze & Burch Biscuit Company Docket No. CAA-05-2011-0034

REGEIVED

REGIONAL HEARING CLERK USEPA REGION 5

Dear Regional Hearing Clerk:

Please find enclosed for filing one original and two copies of "Respondent's Second Motion to Extend Time to Answer or Otherwise Plead" in the above-referenced case. I would greatly appreciate your returning to me a file-stamped copy in the enclosed self-addressed stamped envelope. Thank you for your assistance.

Andrew J. Marks

cc: Marcy A. Toney

Regional Judicial Officer

Ann L. Coyle

Associate Regional Counsel

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



## Respondent's Second 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 May 6, 2011, S&B's response to the Complaint is due June 3, 2011.
- 2. The United States Environmental Protection Agency, Region 5 ("EPA"), and S&B have reached a settlement in principal, which anticipates the inclusion of certain supplemental environmental projects (SEPs). EPA has requested more information related to these SEPs.
- 3. 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 July 5, 2011 to answer or otherwise plead.

Dated: June 1, 2011

Respectfully submitted,

Schulze & P

By:

One of its Attorney

Carey S. Rosemarin (ARDC No. 6181911) Andrew J. Marks (ARDC No. 6286796) Law Offices of Carey S. Rosemarin, P.C. 500 Skokie Boulevard, Suite 510 Northbrook, Illinois 60062 (847) 897-8000 csr@rosemarinlaw.com ajm@rosemarinlaw.com

DEGE IVE D

REGIONAL HEARING CLERK USEPA REGION 5

## Certificate of Service

I, Andrew J. Marks, hereby certify that on June 1, 2011, I caused the original and one copy of the foregoing document to be filed with the Regional Hearing Clerk, and true and correct copies of said document to be sent to the Regional Judicial Officer and Associate Regional Counsel of Record, all by next-day mail service, at the following addresses!

Andrew J. Marks

Office of the Regional Hearing Clerk Attention: La Dawn Whitehead US EPA, Region 5 77 W. Jackson Blvd. Mail Code: E-19J Chicago, IL 60604-3590

Marcy A. Toney Regional Judicial Officer US EPA, Region 5 77 W. Jackson Blvd. Mail Code: C14-J Chicago, IL 60604

Ann L. Coyle Associate Regional Counsel US EPA, Region 5 77 W. Jackson Blvd. Mail Code: C14-J Chicago, IL 60604



REGIONAL HEARING CLERK USEPA REGION 5