

FILED

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

2008 DEC 15 PM 1:19
REGIONAL HEARING CLERK

In the Matter of:)	Docket No. FIFRA-09-2008-0021
)	
)	
Unelko Corporation,)	JOINT MOTION TO EXTEND TIME TO
)	ANSWER
)	
Respondent.)	
)	

Respondent, Unelko Corporation, by its undersigned counsel, and the United States Environmental Protection Agency, Region IX ("EPA") hereby jointly move to extend the time that Unelko has to file its Answer to the Amended Complaint in this proceeding. In support of this Motion, the parties note the following:

EPA filed its Complaint in this matter on September 24, 2008. On October 20, 2008, Unelko moved to extend the time to answer to December 15, 2008. EPA did not object to the request. On October 24, 2008, Unelko's request was granted.

On October 10, 2008, EPA issued two Stop Sale Orders against Unelko. Those Stop Sale Orders remain in effect.

EPA filed an Amended Complaint on November 17, 2008. Respondent's Answer to the Amended Complaint is currently due December 15, 2008. The parties request an extension of Unelko's time to answer the Amended Complaint to December 30, 2008, in order to allow time for consultation among counsel on a possible resolution of this matter.

Counsel for Respondent and EPA have been involved in extensive discussions regarding settlement of the claims underlying this action and have reached a settlement in principal of this

matter. However, Counsel for Respondent and EPA agree it is unlikely that the settlement will be finalized by December 15, 2008, the current deadline for filing of Respondent's Answer.

Counsel for Respondent has discussed this Motion with EPA. Counsel for EPA joins in this request for an extension of time.

Respectfully submitted,

Date: December 15, 2008



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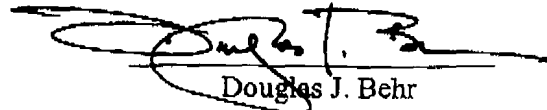
ATTORNEY FOR RESPONDENT,
Unelko Corporation

CERTIFICATE OF SERVICE

I, Douglas J. Behr, hereby certify that on December 15, 2008, I filed the foregoing Unelko Corporation's Joint Motion to Extend Time to Answer with the Regional Hearing Clerk (ORC-1), U.S Environmental Protection Agency, Region IX by facsimile at (415) 947-3570.

I further certify that I served the original and one copy of the same upon the Regional Hearing Clerk and one copy of the same on the individual listed below by First Class mail, postage prepaid.

Edgar P. Coral
Office of Regional Counsel (ORC-2)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105



Douglas J. Behr

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December 15, 2008

Via Facsimile and U.S. Postal Service

Steven Jawgiel
Regional Judicial Officer (ORC-2)
Attn: Danielle E. Carr
Regional Hearing Clerk (ORC-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Joint Motion To Extend Time To Answer
Docket No. FIFRA-09-2008-0021

Dear Mr. Jawgiel:

Enclosed please find an original and two copies of the Joint Motion To Extend Time To Answer, filed on behalf of Unelko Corporation by facsimile at 415-947-3570 on December 15, 2008. *In re Unelko Corporation*, Docket No. FIFRA-09-2008-0021.

We request that you date-stamp and return one copy of the motion in the enclosed self-addressed stamped envelope at your earliest convenience.

If you have any questions, please feel free to contact me. Thank you for your attention to this matter.

Sincerely,



Amy L. Blackwood
Counsel for Unelko Corporation

Enclosures



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Date: December 15, 2008 Number of Pages: 5

To: Danielle E. Carr, Regional Hearing Clerk
name
U.S. Environmental Protection Agency
firm/company
(415) 947-3570
fax number phone number
San Francisco CA USA
city state country

CC:

From: Amy L. Blackwood (202) 434-4118
name phone number

Message:

IN HOUSE INFORMATION ONLY
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