

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
BEFORE THE PRESIDING OFFICER**

In the Matter of:) **EPA Docket No. RCRA-01-2015-0052**
)
C.E. Bradley Laboratories, Inc.)
56 Bennett Drive)
Brattleboro, Vermont 05301)

**ASSENTED-TO MOTION FOR FOURTH EXTENSION OF TIME
FOR RESPONDENT TO FILE ANSWER AND REQUEST HEARING**

Pursuant to 40 C.F.R. § 22.7(b), C.E. Bradley Laboratories, Inc. ("Respondent") respectfully requests a short fourth extension of time of two additional calendar days (i.e., until March 2, 2016) for Respondent to file a written Answer and a Request for Hearing to the Administrative Complaint filed on October 1, 2015 by the EPA Region I Office of Environmental Stewardship's Legal Enforcement Division ("Complainant"). As grounds for this motion, the Respondent states as follows:

1. On October 1, 2015, the Complainant filed its Administrative Complaint in this action.
2. On October 2, 2015, Complainant served Respondent's President, Rashed Kanaan, with a copy of the Administrative Complaint and related case-opening papers. Without an extension of time, Respondent's Answer and Request for Hearing would have been due no later than November 2, 2015.¹
3. On October 27, 2015, Respondent filed an assented-to motion for extension of time to file Respondent's answer and to request a hearing, seeking an extension of time until

¹ Respondent's Answer and Request for Hearing, absent extension, would have been due thirty (30) days following service of the complaint. Because the thirtieth day fell on Sunday, November 1, the actual response date would have been Monday, November 2, 2015, pursuant to 40 C.F.R. § 22.7(a).

December 15, 2015 to file Respondent's Answer and Request for Hearing. That motion was granted.

4. On December 8, 2015, Respondent filed an assented-to motion for second extension of time to file Respondent's answer and to request a hearing, seeking an extension until January 29, 2016. That motion was granted.
5. On January 22, 2016, Respondent filed an assented-to motion for third extension of time to file Respondent's answer and to request a hearing, seeking an extension until February 29, 2016. That motion was granted on January 28, 2016.²
6. Counsel for Complainant and Respondent (collectively, the "Parties") have spoken, and have expressed a shared interest in principle to pursuing discussions about achieving an expeditious settlement of this matter. Since the filing of the last motion for extension of time, the Parties have continued to share information and discuss the allegations set forth in the Administrative Complaint.
7. An extension until March 2, 2016 is anticipated to provide the Respondent with sufficient time to review and finalize its answer and request for hearing with its counsel before filing.
8. Despite the forthcoming filing of Respondent's answer, defenses and request for hearing, the Parties still wish to engage in further meaningful settlement discussions.
9. Counsel for Complainant, Andrea Simpson, has been contacted regarding Respondent's request, and has noted her assent to this modest fourth extension of time.

² The certificate of service on the order granting that motion erroneously identified Respondent's counsel as "Rashad Kanaan, President, C.E. Bradley Laboratories, Inc., 55 Bennett Drive, Brattleboro, VT 05301." Respondent has retained the undersigned counsel, who is authorized to receive all future correspondence related to this matter.

DATE: February 26, 2016

Respectfully submitted,

C.E. Bradley Laboratories, Inc.

By its attorneys,



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CERTIFICATE OF SERVICE

Pursuant to 40 C.F.R. §§ 22.5(a)(3), and in accordance with the Region's *Standing Order Authorizing Filing and Service by E-Mail in Proceedings Before the Region 1 Regional Judicial Officer* (October 9, 2014), I hereby certify that this day, February 26, 2016, a true and correct copy of this motion is being served on Complainant's counsel, Andrea Simpson, by electronic mail.



Zachary R. Gates