

# Berry, Kessler, Crutchfield, Taylor & Gordon

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Joseph R. Canestraro

2012 OCT 5  
RECEIVED  
AM 11:11  
REG. CLERK  
HEARING CLERK  
NORTH PHILA. P.D.  
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October 5, 2012

Lydia Guy  
Regional Hearing Clerk  
1650 Arch Street  
Philadelphia, PA 19103-2029

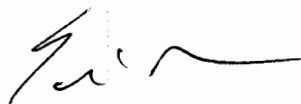
**Via Federal Express - Standard Overnight**  
**Tracking No. 0201 7991 3135 6413**

**RE: Roy Yoho**  
**Docket No. CWA-03-2012-0036**

Dear Clerk Guy:

Enclosed for filing Respondent's **Motion for Extension of Time to File Answer** in the captioned matter. A copy of this **Motion** has been forward to Mark J. Bolender, Senior Assistant Regional Counsel.

Very truly yours,



Eric M. Gordon

EMG/kab  
Enclosure  
Copy, w/enc.: Mark J. Bolender, Esquire

RECEIVED

2012 OCT -9 AM 11:11  
BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

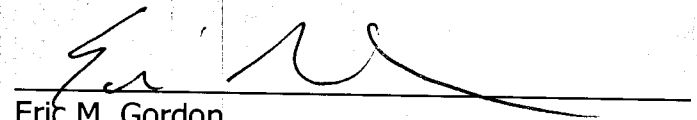
<p><b>In the Matter of:</b></p> <p><b>Roy Yoho</b>  <b>R.D. #1, Box 51</b>  <b>Proctor, West Virginia 26055</b></p> <p style="text-align: center;"><b>Respondent.</b></p> <p><b>Property Located At:</b></p> <p><b>Approximately 0.25 miles southwest</b>  <b>of Route 2 and County Road 89,</b>  <b>Proctor, West Virginia 26055.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Proceeding to Assess Class I</b>  <b>Penalty Under Section 309 (g)</b>  <b>(2)(A) of the Clean Water Act,</b>  <b>33 U.S.C. §1319(g)(2)(A)</b></p> <p><b>Docket No.: CWA-03-2012-0036</b></p> <p><b>Motion for Extension of Time</b>  <b>To File Answer</b></p>
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Now comes the Respondent, Roy Yoho, in person and by his counsel, Eric M. Gordon, Esquire, and for his **Motion for Extension of Time to File Answer**, respectfully states as follows:

1. The Respondent and Complainant have entered into an agreed resolution resolving the above matter to both the parties' satisfaction.
2. The parties do not have the terms of said agreement reduced to writing as of this date.
3. The Answer of your Respondent will be due prior to when said written agreement can be executed.
4. It is Respondents belief upon representations of Complainant's counsel that it has not objections to this Motion.

**WHEREFORE**, the Respondent respectfully requests that his obligation to file an Answer to the Complaint filed herein be extended for a period of thirty (30) days.

Dated this 5th day of October, 2012.



Eric M. Gordon  
WV State Bar ID No. 6897  
Counsel for Respondent Roy Yoho  
Berry, Kessler, Crutchfield, Taylor & Gordon  
514 Seventh Street  
Moundsville, West Virginia 26041  
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**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**In the Matter of:**

**Roy Yoho  
R.D. #1, Box 51  
Proctor, West Virginia 26055**

**Respondent.**

**Property Located At:**

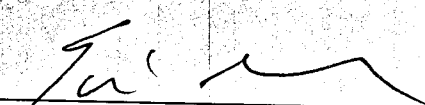
**Approximately 0.25 miles southwest  
of Route 2 and County Road 89,  
Proctor, West Virginia 26055.**

)  
) **Proceeding to Assess Class I  
Penalty Under Section 309 (g)  
(2)(A) of the Clean Water Act,  
33 U.S.C. §1319(g)(2)(A)**

)  
) **Docket No.: CWA-03-2012-0036**

)  
) **Certificate of Service**

Service of the foregoing **Motion for Extension of Time To File Answer** was had upon the United States Environmental Protection Agency, Region III, by mailing a true copy here by United State Mail, postage pre-paid, to its attorney, Mark J. Bolender, Senior Assistant Regional Counsel, 1650 Arch Street, Philadelphia, Pennsylvania, 19103, this 5<sup>th</sup> day of October, 2012.

  
Eric M. Gordon  
WV State Bar ID No. 6897  
Counsel for Respondent Roy Yoho  
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Moundsville, West Virginia 26041  
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