



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II 2011 DEC -9 A 11:43 REGIONAL HEARING CLERK

In the Matter of:)
Tri-Stella Development Group, Inc.)
and)
Dynamics Engineers, Corp.,)
Respondents.)

Docket No. CWA-02-2011-3454

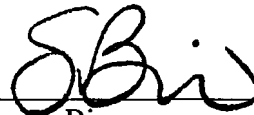
ORDER ON COMPLAINANT'S MOTION FOR LEAVE TO FILE PREHEARING EXCHANGE OUT OF TIME, FIRST REQUEST FOR EXTENSION OF TIME TO FILE EXECUTED CONSENT AGREEMENT AND FINAL ORDER AND TO STAY THE PROCEEDINGS

On October 11, 2011, a Prehearing Order was issued in this matter directing Complainant to file an initial prehearing exchange of information on or before November 18, 2011. On December 7, 2011, Complainant filed a document captioned: "Motion for Leave to File Prehearing Exchange Out of Time, First Request for Extension of Time to File Executed Consent Agreement and Final Order and to Stay the Proceedings" ("Motion"). Complainant states that other professional obligations prevented it from filing its initial prehearing exchange in a timely fashion. Motion at 1-2. Complainant requests permission to file its initial prehearing exchange on or before December 9, 2011. Id. at 2. Complainant also states that the parties have reached an agreement in principle that will dispose of all outstanding issues in this case. Id. Complainant requests that the remaining deadlines in the Prehearing Order be stayed for sixty (60) days to allow the parties to finalize and execute a Consent Agreement and Final Order ("CAFO"). Id. at 3. Complainant avers that both Respondents consent to the relief requested in the Motion. Id. at 2, 4.

The undersigned is empowered to "[r]ule upon motions, requests, and offers of proof, . . . issue all necessary orders," and "take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in" this proceeding. 40 C.F.R. § 22.4(c). The undersigned may also "grant an extension of time for filing any document" upon a timely motion and a showing of good cause. 40 C.F.R. § 22.7(b). Motions for extensions of time must "be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond . . ." Id. Here, Complainant's request to extend the deadline for it to file

its initial prehearing exchange is untimely. However, Respondents consent to Complainant's request, and will not suffer any prejudice if Complainant is allowed to file its initial prehearing exchange late. Furthermore, as the parties have reached an agreement in principle, entertaining and granting Complainant's request will further the fair and efficient resolution of this proceeding. The same considerations also support Complainant's request to extend the other deadlines in the Prehearing Exchange by sixty days.

Therefore, for good cause shown, Complainant's Motion is **GRANTED**. Complainant is **ORDERED** to file its initial prehearing exchange no later than **December 9, 2011**. Respondents shall file their prehearing exchanges no later than **February 7, 2012**, unless a fully-executed CAFO is filed on or before that date. Complainant shall file its rebuttal prehearing exchange no later than **February 21, 2012**.



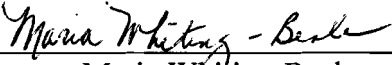
Susan L. Biro
Chief Administrative Law Judge

Dated: December 8, 2011
Washington, D.C.

In the Matter of Tri-Stella Development Group, Inc. and Dynamics Engineers, Corp., Respondents
Docket No. CWA-02-2011-3454

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Motion For Leave To File Prehearing Exchange Out Of Time, First Request For Extension Of Time To File Executed Consent Agreement And Final Order And To Stay The Proceedings**, dated December 8, 2011, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: December 8, 2011

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