



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:

Patrick Wilber, YaYa Milwaukee, LLC, and Sancho Properties, LLC,

Respondents

) Docket No. TSCA-05-2011-0021
)
)
) Dated: June 15, 2012

ORDER ON RESPONDENTS' SECOND MOTION FOR EXTENSION OF TIME

On March 15, 2012, a Prehearing Order was issued directing Respondents to file Prehearing Exchanges of Information on or before May 18, 2012. On May 16, 2012, Respondent Patrick Wilber filed a motion for extension of time, requesting that the deadline for filing his Prehearing Exchange be extended by sixty days, and a shorter extension of time, 30 days, was granted by the undersigned. On June 14, 2012, Respondent Patrick Wilber filed a second Motion for Extension of Time ("Motion"), requesting that the deadline for filing his Prehearing Exchange be extended by forty five (45) days. In the Motion, Mr. Wilber indicates that the parties have engaged in settlement negotiations, and that he requires additional time to obtain legal representation in a good-faith effort to resolve this matter amicably with a mediator. Agency counsel indicated that Mr. Wilber is acting in good faith and that counsel does not oppose the Motion.

Agency policy strongly supports settlement of a proceeding without a formal hearing. The grounds stated in the Motion warrant a reasonable extension of the filing deadline. The Rules of Practice empower a presiding Administrative Law Judge to extend the deadline "for filing any document: upon timely motion of a party . . . , for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative." 40 C.F.R. § 22.7(b). For good cause shown, the remaining deadlines in the Prehearing Order dated March 15, 2012, are extended by forty five (45) days. If the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Respondents shall file their Prehearing Exchange(s) on or before August 2, 2012, and Complainant shall file its Rebuttal Prehearing Exchange on or before August 16, 2012. If any party intends to file a dispositive motion regarding liability, it shall do so on or before September 17, 2012.


SO ORDERED.

M. Lisa Buschmann Administrative Law Judge

**In the Matter of Patrick Wilber, YaYa Milwaukee & Sancho Properties LLC, Respondent.
Docket No. TSCA-05-2011-0021**

CERTIFICATE OF SERVICE

I certify that the foregoing **Order on Respondent's Second Motion for Extension of Time**, dated June 15, 2012, was sent this day in the following manner to the addressees listed below.



Knolyn R. Jones
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA, Region V, E-19J
77 West Jackson Blvd., 13th Floor
Chicago, IL 60604-3590

One Copy by Mail to:

Richard Clarizio, Esq.
Associate Regional Counsel
U.S. EPA, Reg. V
77 West Jackson Blvd., 13th
Chicago, IL 60604-3590
Fx: 312.886.7160

One Copy by Mail to:

Patrick Wilber
Registered Agent
YaYa Milwaukee, LLC
3201 N. Holten Street
Milwaukee, WI 53225

**Dated: June 15, 2012
Washington, D.C.**

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