

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of	:	
	:	
	:	
	:	
Edwin Andújar Bermúdez dba	:	
Truly Nolen Pest Control De Caguas,	:	
	:	Docket No. FIFRA-02-2017-5302
Respondent	:	

ORDER REQUIRING CERTIFICATION THAT
DOCUMENTS WERE FILED AND SERVED

It has come to the attention of the Undersigned that a number of documents, together with attachments thereto, were not successfully uploaded into the Regional Hearing Clerk's (RHC) tracking system, and therefore, the RHC cannot confirm, by accessing the tracking system, that these documents were in fact filed, served and part of the official case file in this matter. Moreover, due to the extended telework situation in the Region 2 office resulting from the Coronavirus pandemic, the RHC has been unable to go to the office to determine that she has paper copies of these documents bearing the RHC stamp in order to confirm that these documents were filed. It is imperative that the official case file be complete in order that the file may be forwarded to the Environmental Appeals Board together with a decision by the Undersigned in response to a Motion for Order of Default on Penalties filed by the Complainant in this matter.

It has been determined that the best method to include the documents described above in the official case file is for the party who filed and served each document to submit a certification (discussed in detail below) that he or she filed the document on a specific date, attaching the referenced document in PDF format.

In light of the above, the Complainant should file a motion(s), moving for inclusion in the official case file of the document(s) referenced therein, and include an unsworn declaration

under penalty of perjury pursuant to 28 U.S.C. § 1746 (“certification”) executed by the person that filed and served the referenced document(s). One motion setting forth a certification addressing more than one document filed and served by that party is sufficient, but that party must set forth, to the best of his or her knowledge, the date each document was filed and served, and append a copy of all of the documents referenced in the motion in PDF format. A separate motion with an executed certification is required for each party that filed and served one of the listed documents.

The documents which require certification are as follows:

- 1) *Motion for Default Judgment on Liability* dated March 23, 2017, together with a draft Order, a Declaration, and a Certificate of Service indicating that it was filed and served by Yolanda Majette on that date;
- 2) *Memorandum in Support of Complainant’s Motion for Default Judgement on Liability*, together with 25 attachments, all of which appear to have been filed and served by Yolanda Majette with the *Motion for Default Judgment on Liability* on March 23, 2017;
- 3) *Status Report* dated October 25, 2018 together with a Certificate of Service indicating that it was filed and served by Jeannie M. Yu on that date;
- 4) *Fourth Motion for Extension of Time* dated January 28, 2019, together with a Certificate of Service indicating that it was filed and served by William K. Sawyer for Jeannie M. Yu on that date;
- 5) *Status Report* dated February 28, 2019, together with a Certificate of Service indicating that it was filed and served by Yolanda Majette on that date;
- 6) *Motion for Order of Default on Penalties*, together with 13 attachments, dated March 14, 2019, together with a Certificate of Service indicating that it was filed and served by Yolanda Majette on that date.

The Undersigned finds that issuing the following order is warranted and in the best interest of both parties.

ORDER

The Undersigned directs the Complainant to submit, no later than April 9, 2021, a motion or motions, each containing an unsworn declaration under penalty of perjury pursuant to 28 U.S.C. § 1746, executed by the party who filed and served the document(s) referenced therein. As stated above, one motion certifying to the filing and service of more than one of the listed documents is sufficient, but the certifying party must set forth, to the best of his or her knowledge, the date **each** document was filed and served, and attach a copy of

each of the referenced documents in PDF format to the motion.

A sample certification sufficient to satisfy the requirements of 28 U.S.C. § 1746 is as follows:

(caption of proceeding)

I, _____, do hereby declare that I filed and served the following document, attached hereto, on [DATE] -----

(repeat this paragraph for each attached document)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on
Date

Each motion shall be filed and served in response to this Order in accordance with the *Authorization of EPA Region 2 Electronic Filing System for Filing and Serving Documents Electronically in Proceedings Governed by 40 C.F.R. Part 22* issued by the Undersigned on August 3, 2020.

Any motion by the Respondent in response to Complainant’s motion must be filed and served by Respondent no later than April 30, 2021.

Any questions should be directed to Karen Maples at maples.karen@epa.gov, with copies to all parties and the Undersigned.

Effective Date

The effective date of this Order shall be the date it is signed by the Presiding Officer, below.

Date: **March 25, 2021**

**Helen Ferrara
Presiding Officer**

