

FILED

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105

2010 OCT 13 PM 2:1  
REGIONAL HEARING OFFICE

IN RE: )  
 ) DOCKET NO. FIFRA-9-2010-0014  
Marukai Corporation, )  
 )  
 ) MOTION TO EXTEND TIME  
 ) TO RESPOND TO COMPLAINT  
RESPONDENT )  
\_\_\_\_\_ )

TO THE REGIONAL JUDICIAL OFFICER:

Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part 22, Complainant U.S. Environmental Protection Agency, Region 9 (“Complainant”) moves the Regional Judicial Officer to grant a 30-day extension of time to respond to the complaint in the above-entitled action (“Complaint”) to December 13, 2010. Complainant’s reasons for seeking an extension for time are set forth below.

**BACKGROUND**

On September 24, 2010, Complainant filed a civil administrative action against Respondent Marukai Corporation in the above-entitled action. The Complaint alleges violations of Section 12(a)(1)(A) and 12(a)(1)(F) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(A), 136j(a)(1)(F). Respondent was served with the Complaint on or about October 12, 2010.

**ARGUMENT**

The Regional Judicial Officer may grant an extension of time to file an answer upon filing of a timely motion, a showing of good cause and after consideration of prejudice to other parties to the action. 40 C.F.R. §§ 22.7(b); 22.16. This motion satisfies these criteria.

This motion is timely, having been filed prior to the date for Respondent's response to the Complaint.

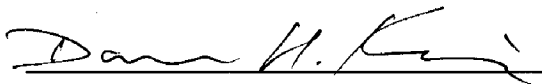
This motion also complies with the "good cause" requirement of 40 C.F.R. § 22.7(b). It is EPA's policy to encourage settlement and avoid litigation when consistent with the provisions and objectives of the law at issue. 40 C.F.R. § 22.18(b). Representatives of EPA and Respondent wish to engage in good faith settlement negotiations. EPA and Respondent agree that an extension of time to answer the Complaint would not only facilitate those discussions but also avoid unnecessary diversion of resources to adversarial pleading. Respondent does not oppose this motion.

Finally, granting of this motion will not result in prejudice. The requested extension will provide EPA and Respondent additional time to engage in good faith settlement negotiations.

#### **CONCLUSION**

For the reasons set forth above, Complainant respectfully requests that the Regional Judicial Officer grant Complainant's motion to extend time to file a response to and including December 13, 2010.

Dated at San Francisco, California on this 13<sup>th</sup> day of October 2010.



David H. Kim

Assistant Regional Counsel  
USEPA, Region 9

CERTIFICATE OF SERVICE

I certify that the original and a copy of the foregoing Motion to Extend Time to Respond to Complaint was hand delivered to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

and that a true and correct copy of the Motion was placed in the United States Mail, addressed to the following:

Mr. Hidejiro Matsu  
President  
Marukai Corporation  
2310 Kamehameha Highway  
Honolulu, HI 96819

Ms. Julia Tachikawa, Esq.  
1978 Westridge Road  
Los Angeles, CA 90049

Dated: 10-13-10

By: Vasilis Kontaxakis  
Office of Regional Counsel  
USEPA, Region 9