

# BARNES & THORNBURG LLP

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July 29, 2015

## VIA OVERNIGHT MAIL

US EPA Region 5  
Office of the Regional Hearing Clerk  
Attention: La Dawn Whitehead  
77 W. Jackson Blvd.  
Mailcode: E-19J  
Chicago, IL 60604-3590

Re: *In the Matter of: Allegan Metal Finishing Company,*  
Docket No. EPCRA-05-2015-0010

Dear Ms. Whitehead:

Enclosed please find an original and one copy of Respondent's Motion to Extend Deadline to Answer Complaint by Agreement of the Parties, with Certificate of Service, that we sent to the parties by e-mail in the above-referenced matter.

Very truly yours,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Charles M. Denton".

Charles M. Denton

CMD/kag  
Enclosures

cc: Walter C. Sosnowski  
Regional Judicial Officer, Ann L. Coyle  
Jose de Leon, Esq.  
Steven P. Kaiser, Esq.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5



In the Matter of: ) Docket No. EPCRA-05-2015-0010  
)  
Allegan Metal Finishing Company, ) Proceeding to Assess a Civil Penalty Under  
Allegan, Michigan, ) 325(c)(1) of the Emergency Planning and  
) Community Right-to-Know Act of 1986  
Respondent. )  
)

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**MOTION TO EXTEND DEADLINE TO ANSWER COMPLAINT**  
**BY AGREEMENT OF THE PARTIES**

Respondent Allegan Metal Finishing Company ("AMFCO"), through its undersigned legal counsel, respectfully requests that the Regional Judicial Officer extend AMFCO's time to file its Answer or other responsive pleading to the Complaint in the above-captioned matter through August 31, 2015, to allow the parties a reasonable opportunity to negotiate a settlement.

1. On July 7, 2015, the Regional Hearing Officer granted AMFCO's third request for an extension of time to file its Answer to the Complaint, requiring AMFCO file its Answer or other responsive pleading no later than July 31, 2015.

2. AMFCO's requests for extensions of time to file its Answer to the Complaint in this matter have been based on the unusual, unforeseeable, and catastrophic fire that broke out on March 15, 2015, totally destroying AMFCO's 1274 Lincoln Road, Allegan, Michigan facility.

3. Following the Regional Hearing Officer's latest extension requiring that AMFCO's Answer or other responsive pleading be filed no later than July 31, 2015, counsel for AMFCO and counsel for U.S. EPA have been engaged in settlement negotiations to amicably resolve the allegations contained in the pending Complaint without the need for hearing and additional adversarial filings, especially in light of AMFCO's business destruction.

4. Counsel for AMFCO conferred with counsel for U.S. EPA, Jose de Leon, on July 28, 2015, regarding a further extension of the deadline for AMFCO to Answer the Complaint

until August 31, 2015 to allow the parties to continue their settlement negotiations in the hope of resolving the Complaint; counsel for U.S. EPA agreed to this request on the same day.

5. Accordingly, in the interest of judicial economy, for good cause shown and with U.S. EPA's consent, AMFCO requests an additional extension of the Regional Judicial Officer's July 31, 2015 deadline for providing an Answer to the Complaint (or otherwise pleading in response), granting AMFCO through August 31, 2015 to respond to the Complaint as allowed by the Consolidated Rules in 40 C.F.R § 22.7(b).

WHEREFORE, Respondent AMFCO respectfully moves the Hearing Officer to GRANT the Motion for Extension of Time to Answer Complaint By Agreement of the Parties and allow AMFCO's Answer to the Complaint or other responsive pleading to be timely filed with the Regional Hearing Clerk on or before August 31, 2015, together with awarding such further and other relief as may be just and equitable under the circumstances.

Dated: July 29, 2015

Respectfully submitted,



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*Counsel for Allegan Metal Finishing Company*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of "Motion to Extend Deadline to Answer Complaint By Agreement of the Parties" has been served this 29th day of July, 2015, by sending a copy by e-mail to the addresses as listed below:

Ann L. Coyle (C-14J)  
Regional Judicial Officer  
U.S. EPA Region 5  
77 West Jackson Boulevard  
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[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

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