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6 **ATTORNEY FOR RESPONDENT**

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8 **UNITED STATES**
9 **ENVIRONMENTAL PROTECTION AGENCY**
10 **REGION IX**

11 **In the Matter of:**) **Docket No.: TSCA-09-2019-0070**
12)
13 **Fusion Windows and Doors Inc.,**) **MOTION FOR EXTENSION OF TIME TO**
14 **Respondent.**) **FILE ANSWER**
15)

16 **TO THE REGIONAL JUDICIAL OFFICER:**

17 Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part 22,
18 Respondent Fusion Windows and Doors Inc., (“Respondent”), moves the Regional Judicial Officer
19 to grant a 60-day extension of time to respond to the complaint in the above-entitled action (the
20 “Complaint”) to March 4, 2020. Respondent’s reasons for seeking an extension for time are set
21 forth below.

22 **BACKGROUND**

23 On September 27, 2019, Complainant filed a civil administrative action against
24 Respondent Fusion Windows and Doors Inc, in the above-entitled action. The Complaint alleges
25 violation of Section 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2689, by
26 failing to comply with Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 AND 2686, and their
27 implementing federal regulations promulgated at 40 C.F.R. part 745, Subpart E. Respondent was
28 served with the Complaint on October 4, 2019, and Respondent’s response to the Complaint was

1 due by November 4, 2019 (technically, the due date was November 3, 2019, but since this fell on
2 a Sunday then, pursuant to 40 C.F.R. § 22.7(a), the due date had to be extended to include the
3 next business day). Complainant subsequently filed a Motion for Extension of Time for
4 Respondent to File Answer on November 4, 2019 that requested an extension of time to file its
5 Answer to January 3, 2020. On November 4, 2019, the Regional Judicial Officer filed a
6 Decision on Motion for Extension of Time to File Answer providing for an extension to and
7 including January 3, 2019.

8 ARGUMENT

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

12 This motion is timely, having been filed prior to the due date for Respondent's answer to
13 the Complaint.

14 Counsel Jilbert Tahmazian is respectfully asking the Regional Judicial Officer to grant a
15 60-day extension to file an answer from the scheduled March 4, 2020 date. Counsel's wife, who
16 has been diagnosed with a tumor in her gums, will be undergoing surgery to remove the tumor at
17 the Mayo Clinic in Rochester, Minnesota on March 2, 2020, and Counsel will be accompanying
18 her to the Clinic. Also, Counsel will be staying in Minnesota with his wife for the recovery
19 period, which will last another 10 days after the surgery. Therefore, he is respectfully requesting
20 a 60-day extension to file an answer.

21 Finally, granting of this motion will not result in prejudice. As noted above, the parties
22 are involved in settlement discussions and the requested extension will provide Respondent and
23 respondent sufficient time to reach and finalize settlement and fully resolve the matter.

24 Complainant's counsel does not object to this Motion.

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1 CONCLUSION

2 For the reasons set forth above, Respondent respectfully requests that the Regional
3 Judicial Officer grant Respondent's motion for a 60-day extension of time to file an answer to
4 and including May 3, 2020.

5
6 Dated: March 3, 2020

TAHMAZIAN LAW FIRM, P.C.

7
8 By: _____

Jilbert Tahmazian, Esq.
Attorney at Law

1 CERTIFICATE OF SERVICE

2 I certify that the original and one copy of the foregoing Motion for Extension of Time to File an
3 Answer (Docket No. TSCA-9-2019-0070) was hand delivered to:

4 Regional Hearing Clerk
5 U.S. Environmental Protection Agency, Region IX
6 75 Hawthorne Street
7 San Francisco, CA 94105

8 Edgar P. Coral, Esq.
9 Assistant Regional Counsel
10 U.S. Environment Protection Agency
11 Region IX
12 75 Hawthorne Street
13 San Francisco CA 94150

14 Dated: March 3, 2020

15 By: 

16 Justin Tahmazian, Esq.
17 Attorney at Law
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