

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2009 NOV 18 PM 2:25
REGIONAL HEARINGS
CLERK

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In the Matter of :
Finca Aurito Gomez Lopez : COMPLAINANT'S MOTION FOR
 : EXTENSION OF TIME
 Respondent. :
 :
 Proceeding Under the Federal : FIFRA-02-2009-5301
 Insecticide & Rodenticide Act, :
 as amended. :
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COMPLAINANT'S MOTION FOR EXTENSION OF TIME

Complainant's counsel files this motion pursuant to 40 C.F.R. Section 22.16(a) (and served pursuant to 40 C.F.R. Section 22.5(b)(2)) for the purpose of advising the Court that he is seeking withdrawal of the above-referenced administrative Complaint in this matter, and requesting a three week extension of time for the filing of Prehearing Exchanges (due November 20, 2009). This will allow time for Complainant's counsel to seek to obtain formal approval of Complainant for withdrawal of the Complaint in this matter.

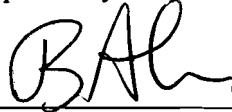
40 C.F.R. Section 22.14(d) sets forth the rules for withdrawal of Complaints in administrative proceedings. Based on Complainant's counsel's interpretation of this rule, formal withdrawal (with prejudice) may be made by Complainant without seeking your Honor's grant of a formal motion to withdraw. (Complainant's counsel understands that Complainant may withdraw the Complaint without prejudice only upon motion granted by your Honor).

On November 16, 2009, Complainant's counsel received an email from Respondent's sister-in-law, Leticia Abreu, which he forwarded to your Honor's law clerk, Jennifer Wolff. Letitia Abreu's email provided Complainant's counsel with a phone number in order for him to contact her on behalf of the Respondent, Aurito Gomez Lopez. Complainant's counsel will seek to reach her by phone and email, in order to convey the above-mentioned information.

Based on the aforementioned reasons, Complainant's counsel asserts that good cause exists for granting this Motion for three weeks additional time, from November 20, 2009 until December 11, 2009, for Complainant to withdraw the Complaint or else have both parties file initial Prehearing Exchanges on that date.

Dated: November 18, 2009
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BAH', written over a horizontal line.

Bruce Aber
Counsel for Complainant