

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:**

Ro Cher Enterprises, Inc. d/b/a Door  
and Window Warehouse Outlet, Inc.;;  
Door and Window Warehouse, Co.;;  
and/or Door and Window Superstore,

Respondent.

**Docket Number:** TSCA-05-2023-0004

**Unopposed Motion to Extend Time to Respond  
to Order to Show Cause and File Answer or Otherwise Respond**

Respondent Ro Cher Enterprises, Inc., respectfully submits the following Motion for Extension of Time to Respond to Order to Show Cause and File Answer or Otherwise Respond.

1. On April 21, 2023, the Environmental Protection Agency Region 5 Enforcement and Compliance Assurance Division filed a Complaint and Notice of Opportunity for Hearing against Respondent. (Filing No. 1)
2. On June 29, 2023, Respondent, proceeding without counsel, filed a response to the Complaint. (Filing No. 2)
3. On July 13, 2023, Chief Administrative Law Judge (“ALJ”) Susan L. Biro, noting that Respondent’s June 29, 2023, response did not “fully comport with the rules governing Answers that are set forth in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits[,]” ordered Respondent to file an Answer by August 11, 2023. (Filing No. 5)

4. On August 24, 2023, Chief ALJ Biro ordered Respondent to show cause by September 7, 2023, as to why it failed to file an Answer. (Filing No. 6)
5. On September 6, 2023, Chief ALJ Biro, noting that Respondent had been proceeding pro se but was seeking legal counsel and in negotiations for an attorney, granted Respondent's Motion for Extension of Time of the Order to Show Cause and Prehearing Order deadlines, extending Respondent's deadline to respond to the Order to Show Cause to October 23, 2023. (Filing No. 9)
6. On October 19, 2023, Respondent retained Pacific Legal Foundation as counsel in this matter. Counsel filed their appearances in this action on the same day.
7. Counsel are working with Respondent to gather the information necessary to file an Answer to the Complaint, but will not be able to do so by the current deadline of October 23, 2023.
8. Pursuant to the Consolidated Rules of Practice, "the Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative." 40 C.F.R. § 22.7.
9. Respondent has consulted with Complainant on this motion and Complainant does not oppose a 30-day extension of Respondent's deadline to respond to the August 24, 2023, Order to Show Cause.

Accordingly, Respondent submits this unopposed request for an extension of the deadlines set forth in Chief ALJ Biro's September 6, 2023, Order on Respondent's

Motion for Extension of Time to reflect a deadline to file an Answer by **November 22, 2023**, and to extend the other deadlines set forth in the Prehearing Order accordingly.

Respectfully submitted this 20th day of October, 2023.

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In the Matter of Ro Cher Enterprises, Inc., d/b/a Door and Window Warehouse Outlet, Inc.; Door and Window Warehouse, Co.; and/or Door and Window Superstore, Respondent.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2023 the foregoing document was sent to the following parties in the manner indicated below.

s/ Molly E. Nixon  
Molly E. Nixon  
*Attorney for Respondent*

Copy by OALJ E-Filing System to:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
[https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf)

Copy by Electronic Mail to:

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