

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:)	U.S. EPA Docket Number
930 Port Street, Inc.)	RCRA-03-2021-0090
)	
RESPONDENT,)	
)	
Easton Point)	
930 Port Street)	
Easton, MD 21601)	
)	
FACILITY.)	

MOTION TO POSTPONE RESPONDENT’S PREHEARING EXCHANGE DEADLINE

Respondent, 930 Port Street, Inc. (“Respondent”), by and through its undersigned counsel, Charles R. Schaller, Esquire, Ashley P. Cullinan, Esquire, and Baker, Donelson, Bearman, Caldwell and Berkowitz PC, hereby submits this Motion to Postpone Respondent’s Prehearing Exchange Deadline (“Motion to Postpone”). In support thereof, Respondent states as follows:

1. On June 24, 2021, the Honorable Christine Donelian Coughlin issued a Prehearing Order for the above-captioned matter. The Prehearing Order sets forth the following deadlines with respect to prehearing exchanges between the parties:

August 6, 2021	Complainant’s Initial Prehearing Exchange
August 27, 2021	Respondent’s Prehearing Exchange
September 10, 2021	Complainant’s Rebuttal Prehearing Exchange

2. The Prehearing Order provides for an expedited schedule, giving Respondent an insufficient amount of time to gather all of the required documents for Respondent’s

defense of this case, along with all the documents requested within the Prehearing Order. Respondent wants to ensure it has sufficient time to provide the Complainant with a thorough set of responsive documents. There are several hundreds of pages of documents Respondent must review in order to identify and submit the appropriate, responsive documents as part of its prehearing exchange, particularly because this matter involves years' worth of Underground Storage Tank ("UST") testing documentation.

3. Additionally, as already communicated to counsel for the Complainant, Louis F. Ramalho, Respondent will be completing the necessary corporate financial statement as a result of Respondent's inability to pay, which was provided to Respondent on June 29, 2021, by Melissa Toffel, Acting Section Chief of the Environmental Protection Agency ("EPA") Region III Enforcement & Compliance Assurance Division. Therefore, Respondent needs sufficient time to collect the tax returns and certified accountant statement in order to provide a detailed narrative of Respondent's inability to pay.

4. Respondent requests a thirty-five (35) day postponement of the deadline for Respondent to produce its prehearing exchange, making the deadline for Respondent's prehearing exchange **October 1, 2021**.

5. Postponing Respondent's prehearing exchange deadline would also postpone Complainant's rebuttal prehearing exchange deadline to **October 15, 2021**.

6. On June 29, 2021, Charles R. Schaller, Ashley P. Cullinan, and Louis F. Ramalho, discussed Respondent's need for additional time in order to prepare all prehearing exchange documents. Mr. Ramalho had no objection to the requested extension of time.

7. Granting this Motion will not prejudice either party in any way and will allow for the parties to engage in further settlement discussions.

WHEREFORE, Respondent respectfully requests that its Motion to Postpone Respondent's Prehearing Exchange Deadline is granted.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,
CALDWELL, AND BERKOWITZ, PC**

DocuSigned by:

Ashley Cullinan

7/8/2021 | 10:38 AM CDT

~~Charles R. Schaller~~ (CPF# 9106200250)

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Attorneys for 930 Port Street, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of July, 2021, a copy of the foregoing Motion to Postpone Respondent’s Prehearing Exchange Deadline was served via electronic mail and/or the OALJ E-Filing system, on the following:

Christine Donelian Coughlin
Administrative Law Judge

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004
Angeles.Mary@epa.gov

Louis F. Ramalho
Sr. Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103
Ramalho.Louis@epa.gov

DocuSigned by:
Ashley Cullinan 7/8/2021 | 10:38 AM CDT
Ashley P. Cullinan

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ORDER

UPON DUE CONSIDERATION of the Respondent's Motion to Postpone Respondent's Prehearing Exchange Deadline and any response(s) filed thereto,

IT IS ORDERED this ____ day of July, 2021, that Respondent's Motion to Postpone Respondent's Prehearing Exchange Deadline is GRANTED; and it is further

ORDERED that the Prehearing Order is hereby **MODIFIED AND AMENDED** as follows:

October 1, 2021	Respondent's Prehearing Exchange
October 15, 2021	Complainant's Rebuttal Prehearing Exchange

The Honorable Christine Donelian Coughlin

Copies to:

Louis F. Ramalho, Esq.

Charles R. Schaller, Esq.

Ashley P. Cullinan, Esq.