

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 FEB 15 P 2:44
REGIONAL HEARING
CLERK

In the Matter of)
)
Pan American Grain Co., Inc.) Docket No. CWA-02-2011-3451
)
Respondent)

**Order on Motion Requesting Extension of Time
to File Response to Complainant's Motion for Leave to File Second Amended Complaint**

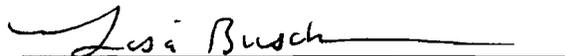
On January 26, 2012, the Complainant, Director of the Caribbean Environmental Protection Division of the United States Environmental Protection Agency, Region 2, submitted a Motion for Leave to File Second Amended Complaint. The Consolidated Rules of Practice governing this proceeding, 22 C.F.R. part 22 ("Rules"), provide that a party's response to a motion must be filed within 15 days after service of such motion. 40 C.F.R. § 22.16(b).

By Motion dated February 9, 2012, Respondent submitted a Motion Requesting Extension of Time To Complainant's [sic] Motion for Leave to File Second Amended Complaint, seeking an extension of time until March 1, 2012 to file its response to the Complainant's motion. Grounds stated are that counsel for Respondent on January 12, 2012 underwent urgent medical care and home confinement for two weeks, is currently only able to work on a limited basis and is the only attorney in her firm familiar with the case. Respondent asserts that counsel for Complainant has no objection to the request for extension.

The Rules provide that the presiding officer may grant an extension of time for filing any document "upon timely motion . . . , for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b). Respondent has shown good cause for an extension of time. However, a three week extension of time is rather lengthy considering the nature of the Motion for Leave to File Second Amended Complaint, and considering that the Respondent's prehearing exchange is due on March 1. Accordingly, Respondent is granted a shorter extension of time than that requested.

Respondent's Motion Requesting Extension of Time to File Response to Complainant's Motion for Leave to File Second Amended Complaint is **GRANTED in part**, to the extent that some additional time to file a response is granted. Respondent shall file a response to Complainant's Motion for Leave to File Second Amended Complaint **on or before February 22, 2012**. SO ORDERED.

Dated: February 13, 2012


M. Lisa Buschmann
Administrative Law Judge

**In the Matter of *Pan American Grain Co., Inc.*, Respondent.
Docket No. CWA-02-2011-3451**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order on Motion Requesting Extension of Time to File Response to Complainant's Motion for Leave to File Second Amended Compliant**, issued by M. Lisa Buschmann, Administrative Law Judge, in Docket No. CWA-02-2011-3451, were sent to the following parties on this 13th day of February 2011, in the manner indicated:



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Regular Mail to:

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Copy by Facsimile and Regular Mail to:

Gretchen Mendez-Vilella, Esq.
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**Dated: February 13, 2012
Washington, DC**