

MICHAEL BOUCHER  
MCKENNA LONG & ALDRIDGE LLP  
1900 K Street, NW, Suite 100  
Washington, DC 20006  
Telephone: (202) 496-7500  
Facsimile: (202) 496-7756



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**In the Matter of:**

BioSensory, Inc.,  
Respondent

Proceeding under Section 14(a)  
of the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
7 U.S.C. § 1361(a)

**Docket No. FIFRA-01-2012-0043**

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER; DECLARATION OF  
MICHAEL BOUCHER IN  
SUPPORT THEREOF; PROPOSED  
ORDER**

**[40 C.F.R. § 22.7(b)]**

Respondent BioSensory, Inc. ("BioSensory"), by and through its counsel, respectfully requests that the deadline to file an answer to the complaint filed by the United States Environmental Protection Agency, Region I ("EPA" or "the Agency") in this case be extended to August 17, 2012. BioSensory bases this motion on the following grounds:

1. BioSensory was served with the complaint in this case on July 3, 2012. Under 40 C.F.R. § 22.15(a), the answer to the complaint is due within 30 days after the date of service of the complaint. Accordingly, BioSensory's answer to the complaint is presently due on August 2, 2012.

2. Michael Boucher, counsel to BioSensory, will be on vacation from July 28, 2012 through August 5, 2012 and will be unavailable to work on this case during such time. In addition, between July 3, 2012 and August 2, 2012, BioSensory has sufficient time either to have a settlement negotiation with EPA or to prepare an answer and request

a hearing before an Administrative Law Judge but not to do both things, and BioSensory needs adequate time to do both things. Therefore, good cause exists for granting an extension of time under the Consolidated Rules of Practice. *See* 40 C.F.R. § 22.7(b).

3. On Friday, July 6, 2012, Mr. Boucher sent an electronic message to Peter DeCambre, counsel to EPA, explained the need for an extension of time to file an answer, and proposed an extended deadline of September 17, 2012. In a telephone conversation on July 9, 2012, Mr. DeCambre told Mr. Boucher that the Agency would not oppose BioSensory's request for a shorter extension of time, to August 17, 2012, to file an answer. Thus, the present motion is unopposed.

This motion is supported by the attached Declaration of Michael Boucher.

For the foregoing reasons, BioSensory respectfully requests that the deadline for filing an answer to the complaint in this case be extended to August 17, 2012.

Dated: July 17, 2012

Respectfully submitted,

MCKENNA LONG & ALDRIDGE LLP

By:   
Michael Boucher  
Counsel to BioSensory, Inc.

## DECLARATION OF MICHAEL BOUCHER

I, MICHAEL BOUCHER, declare as follows:

1. I am a member of the Bar for the District of Columbia and am a partner at the law firm of McKenna Long & Aldridge LLP, counsel to BioSensory, Inc. ("BioSensory"). I have personal knowledge of the facts herein and, if called upon to do so, could and would competently testify thereto.

2. BioSensory was served with the complaint in this matter on July 3, 2012. Thus, BioSensory's answer to EPA's complaint in this matter is currently due on August 2, 2012, under 40 C.F.R. § 22.15(a).

3. On July 6, 2012, I sent an electronic message to Peter DeCambre, counsel to EPA, reported BioSensory's intent to file a motion for an extension of time to file an answer to the Agency's complaint. In my message, I stated that I would be on vacation during the week of July 30, 2012. In addition, I explained that BioSensory has sufficient time prior to August 2, 2012 either to discuss a settlement with EPA or to prepare an answer and request a hearing before an Administrative Law Judge but not to do both things. Thus, I requested that the answer to the complaint be due on September 17, 2012.

4. In a telephone conversation with me on July 9, 2012, Mr. DeCambre stated that EPA would not oppose BioSensory's motion seeking a shorter extension of time, to August 17, 2012, to file an answer to the complaint in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 17, 2012 in Washington, D.C.

  
MICHAEL BOUCHER

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

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Proceeding under Section 14(a)  
of the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
7 U.S.C. § 136l(a)

**Docket No. FIFRA-01-2012-0043**

**PROPOSED ORDER**

**[40 C.F.R. § 22.7(b)]**

**PROPOSED ORDER**

BioSensory, Inc.'s motion for an extension of time until August 17, 2012 to file an answer to the complaint in this case is GRANTED. 40 C.F.R. § 22.7(b).

DATED: \_\_\_\_\_

\_\_\_\_\_  
REGIONAL JUDICIAL OFFICER

**CERTIFICATE OF SERVICE**

I certify that on July 17, 2012, the foregoing **Unopposed Motion for Extension of Time to File Answer, Declaration of Michael Boucher in Support Thereof, and Proposed Order** was delivered in the manner indicated to the persons listed below:

Original and one copy by UPS  
Second Day Air to the  
following:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100 (ORA18-1)  
Boston, MA 02109-3912

One copy by UPS Second Day  
Air to the following:

Peter DeCambre, Senior Enforcement Counsel  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Dated: July 17, 2012



Signature



Print Name