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**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. § 136l(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 September 7, 2012. BioSensory bases this motion on the following grounds:

1. By order dated July 19, 2012, Acting Regional Judicial Officer LeAnn Jensen extended to the close of business on August 17, 2012 the time for BioSensory to file an answer to the complaint in this case.

2. Michael Boucher, counsel to BioSensory, and Peter DeCambre, counsel to EPA, are actively negotiating in good faith to settle the allegations contained in the complaint in this case. Mr. DeCambre needs additional time to prepare a revised civil penalty calculation under the FIFRA Enforcement Response Policy and the Enforcement Response Policy for FIFRA Section 7 in light of new facts, Mr. Boucher needs additional

time to prepare and submit information required by EPA in order to evaluate BioSensory's ability to pay a civil penalty, and both attorneys need additional time thereafter to discuss the information being prepared by each of them for settlement purposes. 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. By electronic message dated August 8, 2012, Mr. Boucher asked Mr. DeCambre what extension of time beyond August 17, 2012 to file an answer EPA would agree to and not oppose. By electronic message dated August 8, 2012, Mr. DeCambre recommended that BioSensory request a three-week extension of time (i.e., from August 17 to September 7, 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 September 7, 2012.

Dated: August 15, 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 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. By order dated July 19, 2012, Acting Regional Judicial Officer LeAnn Jensen extended to the close of business on August 17, 2012 the time for BioSensory to file an answer to the complaint in this case.

3. On behalf of BioSensory, I am negotiating in good faith with Peter DeCambre, counsel to the United States Environmental Protection Agency, Region I ("EPA" or "the Agency"), to settle the allegations contained in the complaint in this case. Mr. DeCambre needs more time to prepare a revised civil penalty calculation in light of new facts, I need more time to prepare and submit information required by EPA in order to evaluate BioSensory's ability to pay, and we both need additional time thereafter to discuss the information being prepared by each of us for settlement purposes.

4. By electronic message dated August 8, 2012, I asked Mr. DeCambre what extension of time beyond August 17, 2012 to file an answer EPA would agree to and not oppose.

5. By electronic message dated August 8, 2012, Mr. DeCambre recommended that I request a three-week extension of time (i.e., from August 17 to September 7, 2012) for BioSensory 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 August 15, 2012 in Washington, D.C.


MICHAEL BOUCHER

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

PROPOSED ORDER

[40 C.F.R. § 22.7(b)]

PROPOSED ORDER

BioSensory, Inc.'s motion for an extension of time until September 7, 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 August 15, 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
Next 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 Next 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: August 15, 2012



Signature



Print Name