

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2**

In the matter of:

Pan American Grain Co, Inc.
9 Claudia St.
Amelia Industrial Park
Guaynabo, Puerto Rico 00968

NPDES MSGP Number PRR05BT41

Respondent

Docket No. CWA-02-2011-3451

PROCEEDING PURSUANT TO SECTION
309(G) OF THE CLEAN WATER ACT, 33
U.S.C. § 1319(G), TO ASSESS CLASS II
CIVIL PENALTY

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 MAR 22 A 10:31
REGIONAL HEARING
CLERK

**MOTION REQUESTING EXTENSION OF TIME TO COMPLAINANT'S
MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT
AND RESPONDENT'S PREHEARING EXCHANGE**

TO THE HONORABLE PRESIDING OFFICER:

COMES NOW, respondent, Pan American Grain Manufacturing Company ("PAGM") through the undersigned attorneys and very respectfully informs, states and prays as follows:

1. On January 26, 2012, Complainant filed a motion captioned Leave to File First Amended Complaint whereby Complainant requests the Honorable Presiding Officer to grant a second amendment to the Complaint.
2. On January 12, 2012, the undersigned, for reasons beyond her control, suffered a serious accident which required urgent medical care, immobilization and home confinement for a period of two (2) weeks. The motion mentioned above was received when the undersigned was finally able to come to work for the first time and on a very limited basis, as per medical instructions.
3. Since January 26, 2012, date on which we received an electronic copy of the motion presented by Complainant, the undersigned, who is the only attorney in the firm

familiar with the case and able to prepare PAGM's reply, continues to limitations in the ability to work, given the daily health concerns associated to the serious trauma suffered.

4. In view of the foregoing, PAGM filed a motion requesting extension of time to file its reply to the motion filed by Complainant on January 26, 2012.

5. On February 13, 2012, the Honorable Presiding Officer granted the extension of time requested, in part for PAGM to file in a response to EPA's Request for Leave to File Second Amendment to the Complaint. The Order allowed PAGM to file the referenced motion on or before February 22, 2012.

6. Since the filing of the Complaint, EPA and PAGM ("the Parties") have and continue to pursue the possible settlement of the case. To such ends, the Parties have been exchanging information relevant to the settlement.

7. These negotiations have been paused for various reasons including the Holiday season, Respondent's counsel medical emergency and EPA's recent move to a new location. For this reasons, PAGM requested a second extension of time to file its response to the Complainant's motion and Prehearing Exchange.

8. On February 23, 2012, the Honorable Presiding Officer granted the extension requested and ordered PAGM to file its Prehearing Exchange and Response to Complainant's Motion for Leave to File Second Amended Complaint on or before March 22, 2012.

9. Since the extension was granted, PAGM has tried to schedule a meeting with EPA to continue the settlement negotiations. However, we have not been able to meet with EPA because EPA's counsel left for vacation on March 6, 2012. EPA's counsel is scheduled to return to work on March 26, 2012. At that time, the Parties expect to continue to engage in discussions and information exchange likely leading to the settlement of the case.

10. In view of the foregoing, PAGM understands that relief from its obligation in the instant case to file the Response to Complainant's Motion for Leave to File Second Amended Complaint and the Respondent's Pre-Hearing Exchange due on March 22, 2012 would allow Respondent to expediently and efficiently focus its resources and efforts in the settlement of the case.

11. Therefore, PAGM respectfully requests that the Honorable Presiding Officer extend the period of time for such filings until April 26, 2012.

12. We discussed this motion with attorney Héctor Vélez on March 6, 2012 and he did not have an objection to the present request.

WHEREFORE, PAGM respectfully requests this Honorable Presiding Officer to take notice of the aforementioned and, consequently, grant the extension of time requested herein above, that is, until April 26, 2012 to file its Response to the Motion Requesting Leave to File Second Amended Complaint and Respondent's Prehearing Exchange.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on this same date, a true and exact copy of the foregoing document was sent, through regular mail and facsimile, to: Héctor L. Vélez, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2, City View Plaza, Suite 7000, #48 Road 165, Km. 1.2, Guaynabo, PR 00968-8069.

In San Juan, Puerto Rico, this 21st day of March, 2012.

GOLDMAN ANTONETTI & CORDOVA, P.S.C.
P.O. BOX 70364
SAN JUAN, PR 00936-8364
TEL.: (787) 759-8000
FAX: (787) 474-2407



GRETCHEN MÉNDEZ-VILELLA
USDC No. 207904