

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

In the Matter of:	)	Docket No.: CAA-03-2021-0058
	)	
Keystone Automotive Operations, Inc.	)	JOINT MOTION FOR EXTENSION
	)	OF BRIEFING DEADLINES
Respondent.	)	REGARDING COMPLAINANT'S
	)	MOTION FOR PARTIAL
	)	ACCELERATED DECISION

**JOINT MOTION FOR EXTENSION OF BRIEFING DEADLINES REGARDING  
COMPLAINANT'S MOTION FOR PARTIAL ACCELERATED DECISION**

Pursuant to 40 C.F.R. §§ 22.16(b) and 22.7, Respondent, Keystone Automotive Operations, Inc., and Complainant, Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency Region 3, jointly request that the Presiding Officer extend the deadlines set forth in 40 C.F.R. § 22.16 for Respondent's response to Complainant's Motion for Partial Accelerated Decision on Liability and to Strike Affirmative Defenses to September 27, 2021, and for Complainant's reply to October 29, 2021. The bases for this request are as follows:

1. On July 16, 2021, Complainant filed Complainant's Motion for Partial Accelerated Decision on Liability and to Strike Affirmative seeking an Order finding Respondent liable for the violations alleged in the Complaint and Notice of Opportunity for Hearing filed in this matter.
2. Pursuant to 40 C.F.R. § 22.16(b), Respondent's response would be due within 15 days of service of Complainant's motion (by July 31, 2021, or August 2, 2021 pursuant to 40 C.F.R. §22.7) and Complainant's reply would be due within 10 days of service of Respondent's response (by August 12, 2021).

3. Section 22.16(b) expressly authorizes the Presiding Officer to set a “longer time for response or reply.” In addition, section 22.7(b) provides that the Presiding Officer “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” These criteria are satisfied here and support granting this tailored extension request.

4. Good cause exists for an extended briefing schedule because of the complexity of the issues involved in Complainant’s motion. The memorandum of law filed in support of Complainant’s motion is 68 pages in length and addresses significant factual and legal issues under the Clean Air Act as well as a range of Constitutional arguments identified as defenses by Respondent. Given the nature and breadth of this submission, Respondent requires reasonable additional time to digest and respond to the full range of issues raised by Complainant’s motion. For the same reasons, Complainant will require reasonable additional time to review and digest Respondent’s response and to complete a reply submission. The parties request that the Court extend the deadline for Respondent’s response to September 27, 2021, and the deadline for Complainant’s reply to October 29, 2021.

5. No prejudice to any party will occur as the parties are in agreement with respect to the proposed schedule extension. There will be no delay in the proceeding because no hearing date has been established and no further deadlines are pending in the case at this time. Moreover, given the significance of the issues raised in the motion and the potential impact of a decision on the scope of a hearing, the parties request that no hearing date be set until the motion is resolved.

For these reasons, the parties jointly request that the Presiding Officer issue an order establishing the following deadlines regarding Complainant’s Motion for Partial Accelerated Decision on Liability and to Strike Affirmative Defense as follows:

**September 27, 2021**

Respondent's response

**October 29, 2021**

Complainant's reply.

Respectfully submitted,

Dated July 22, 2021

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