

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
)  
DAVID E. EASTERDAY & CO., INC., )  
d/b/a WOODWRIGHT FINISHING, )  
WILMOT, OHIO, )  
)  
RESPONDENT. )  
\_\_\_\_\_ )

Docket No.: FIFRA-05-2019-0005

**COMPLAINANT’S MOTION TO EXTEND DEADLINE FOR FILING DISPOSITIVE  
MOTIONS TO JUNE 28, 2019**

Complainant files the instant Motion to Extend Deadline for Filing Dispositive Motions in the above-captioned matter, and respectfully requests that the court extend the deadline for the filing of dispositive motions in this matter to **June 28, 2019**. This motion is filed pursuant to 40 C.F.R. §§ 22.16(a) and 22.7(b), which requires that a motion be in writing, state with particularity the grounds therefor, set forth the relief sought, and, in the case of 40 C.F.R. § 22.7(b), be for good cause shown.

In support of the instant motion, Complainant states as follows:

1. On February 8, 2019, the Honorable Christine Donelian Coughlin, Administrative Law Judge (the “Presiding Officer”), issued a Prehearing Order in the above-captioned matter. The Prehearing Order provided that dispositive motions regarding liability must be filed within 30 days after the due date for Complainant’s Rebuttal Prehearing Exchange.
2. On May 3, 2019, the Presiding Officer granted a motion extending the filing deadline for Complainant’s Rebuttal Prehearing Exchange to May 10, 2019. The May 3, 2019 Order also provided that the filing deadlines for joint motions for the appointment of a neutral and dispositive motions regarding liability were also accordingly extended from the May 10,

2019 date. Therefore, Complainant understands that dispositive motions regarding liability must be filed by June 10, 2019.<sup>1</sup>

3. Following the Presiding Officer's May 3, 2019 Order, on May 14, 2019, Judge Coughlin granted Complainant leave to file an Amended Complaint. Complainant filed its Amended Complaint on May 23, 2019, and Complainant served the Amended Complaint on Respondent on that date. According to the Presiding Officer's May 14, 2019 Order, Respondent's Amended Answer is required to be filed within 20 days of being served with the Amended Complaint, or on June 12, 2019.

4. Because Respondent's Amended Answer is not due until after the deadline for filing dispositive motions on liability, Complainant seeks a short extension, until June 28, 2019, of the deadline for filing dispositive motions on liability. Any such motion would necessarily require review of and citation to the Amended Answer.

5. On May 29, 2019, counsel for Complainant contacted opposing counsel regarding this motion, and opposing counsel has represented that Respondent will not oppose Complainant's motion for an extension.

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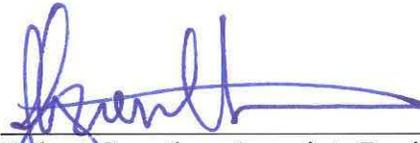
<sup>1</sup> While 30 days following the deadline for Complainant's Rebuttal Prehearing Exchange is June 9, 2019, that date is a Sunday. According to 40 C.F.R. § 22.7(a), "When a stated time expires on a Saturday, Sunday or Federal holiday, the stated time period shall be extended to include the next business day."

THEREFORE, Complainant moves that this Honorable Court grant an extension of time until June 28, 2019, for the parties to file dispositive motions in this matter.

Respectfully Submitted,

Counsel for EPA:

5/30/2019  
Date



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Complaint's Motion to Extend Dispositive Motion Deadline to June 28, 2019  
In the matter of: David E. Easterday & Co., Inc. d/b/a Woodwright Finishing  
Docket Number: FIFRA-05-2019-0005

**CERTIFICATE OF SERVICE**

I certify that the foregoing Complainant's Motion to Extend Dispositive Motion Deadline to June 28, 2019, dated and filed May 30, 2019, was sent this day to the following addresses in the manner indicated below.



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Robert S. Guenther  
Associate Regional Counsel

Original and one copy to:

Headquarters Hearing Clerk  
Via OALJ E-Filing System

Copy by email to:

Mr. Robert L. Brubaker  
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