

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

In the Matter of:)	
)	
Aylin, Inc.; Rt. 58 Food Mart, Inc.;)	Docket No. RCRA-0302-13-0039
Franklin Eagle Mart Corp.;)	
Adnan Kiriscioglu; 5703 Holland)	
Road Realty Corp.; 8917 South)	Proceeding under Section 9006
Quay Road Realty Corp.; and,)	of the Resource Conservation an
1397 Carrsville Highway Realty)	and Recovery Act, as amended,
Corp.,)	42 U.S.C. Section 6991e
)	
Respondents.)	

**RESPONDENTS' UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSE ONE
BUSINESS DAY OUT OF TIME**

Comes now Respondents Aylin, Inc.; Rt. 58 Food Mart, Inc.; Franklin Eagle Mart Corp.; Adnan Kiriscioglu; 5703 Holland Road Realty Corp.; 8917 South Quay Road Realty Corp.; and, 1397 Carrsville Highway Realty (the "Respondents"), by and through its undersigned counsel, pursuant to Rule 22. 16(a) of the Consolidated Rules of Practice (40 C.F.R. § 22. 16(a)) and respectfully requests leave to file their Response to Complainant's Motion for Partial Accelerated Decision as to Liability and Memorandum of Law ("Motion") one (1) business day out of time.

As grounds therefor, Respondents state as follows:

1. On December 10, 2015, the Presiding Officer granted Respondents' request by motion for an extension of time to January 15, 2016, to file and serve their Response to Complainant's Motion. One reason for the Respondents' extension request was their counsel's scheduled hip replacement surgery on December 15, 2016, and his expected absence from the office until January 4, 2016.

2. Because of the complexity of the issues involved with Complainant's Motion, as well as the extensive size of the record in this proceeding, Respondents unfortunately were unable to complete their Response by the January 15, 2016 deadline. Respondents and their counsel worked diligently during the extension period granted by the Presiding Officer.

3. Respondents consulted Complainant's counsel on this motion. Complainant, through its counsel, does not oppose Respondents' request for leave to file their Response one business day out of time, provided that Complainant has the full amount of time accorded under the Rules of Practice to file its reply to the Response. Respondents do not object to this condition by Complainant.

4. This motion is filed, not for delay, but in the interests of justice so that the Tribunal may have all arguments of counsel. No prejudice will occur from allowing the filing of this Response one business day out of time.

WHEREFORE, for the foregoing reasons, Respondents respectfully request that the Presiding Officer allow them to file their Response to Complainant's Motion one business day out of time and that the Complainant being given the full time under the Rules of Practice to file its reply.



Dated: January 19, 2016

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Counsel to Respondents

CERTIFICATE OF SERVICE

I hereby certify that Respondents' foregoing Unopposed Motion for Leave to File Response One Business Day Out of Time was transmitted via electronic mail and via first-class mail, postage prepaid to the following addressees:

Louis R. Ramalho, Esq.
Janet E. Sharke, Esq.
Senior Assistant Regional Counsel (3RC50)
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029



Date: January 19, 2016

Jeffrey L. Leiter