



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

In the Matter of:)
)
David E. Easterday & Co., Inc.,)
d/b/a Woodwright Finishing,) **Docket No. FIFRA-05-2019-0005**
)
Respondent.)


ORDER ON COMPLAINANT’S MOTION TO EXTEND DEADLINE

On February 8, 2019, I issued a Prehearing Order scheduling certain prehearing filing deadlines in this proceeding, including the filing deadline for dispositive motions. Following the Prehearing Order, Complainant sought leave to amend its Complaint by motion filed May 9, 2019. On May 14, 2019, I issued an order granting Complainant’s request for leave to amend its Complaint, in which I directed Respondent to file an answer to the Amended Complaint within 20 days of being served with this document, consistent with 40 C.F.R. § 22.14(c). Thereafter, the parties in this proceeding requested appointment of a neutral for purposes of facilitating possible settlement of this matter on May 17, 2019. By order issued on May 24, 2019, I granted the parties’ request and referred the matter to Chief Administrative Law Judge Susan L. Biro for designation of a qualified neutral. On May 24, 2019, Chief Judge Biro was designated as a neutral and the alternative dispute resolution process in this matter was initiated. Following this designation, Complainant filed a Motion to Extend Deadline for Filing Dispositive Motions (“Motion to Extend Deadline”), requesting that the filing deadline for dispositive motions be extended from June 10, 2019, to June 28, 2019, on the basis that Respondent’s Answer to the Amended Complaint is not due until June 12, 2019, 20 days after Complainant served Respondent with the Amended Complaint. Complainant represents in its Motion to Extend Deadline that this motion is not opposed by Respondent. For purposes of addressing Complainant’s Motion to Extend Deadline, this matter was returned to my litigation docket on May 30, 2019.

The rules that govern this proceeding, set forth at 40 C.F.R. Part 22, authorize the Presiding Officer to grant an extension of time for filing of any document for good cause shown upon motion, after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). As the parties in this matter have elected to pursue alternative dispute resolution, there is good cause to stay any remaining filing deadlines aside from the filing deadline for Respondent’s Answer to the Amended Complaint for the duration of the parties’ participation in the alternative dispute resolution process. Further, granting such a stay would not prejudice any party. Accordingly, all filing deadlines set in this matter aside from the filing deadline for Respondent’s Answer to the Amended Complaint are hereby stayed until further order upon assignment of this matter to the litigation docket following termination of the alternative dispute resolution process. The filing

deadline for Respondent's Answer to the Amended Complaint remains unchanged, therefore, consistent with the order issued on May 14, 2019, and 40 C.F.R. § 22.14(c), Respondent shall file its Answer to the Amended Complaint within 20 days of being served with this document. Complainant's Motion to Extend Deadline is **GRANTED** as provided for above, and this matter is returned to Chief Judge Biro for continuation of the alternative dispute resolution process previously initiated.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Date: May 31, 2019
Washington, D.C.

In the Matter of *David E. Easterday & Co., Inc., d/b/a Woodwright Finishing*, Respondent.
Docket No. FIFRA-05-2019-0005

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion to Extend Deadline**, dated May 31, 2019, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Andrea Priest
Attorney Advisor

Original and One Copy by Personal Delivery to:

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Dated: May 31, 2019
Washington, D.C.