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US EPA - REGION IX  
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9 FRY'S ELECTRONICS, INC.

10 UNITED STATES  
11 ENVIRONMENTAL PROTECTION AGENCY  
12 REGION IX

13 Docket No.: FIFRA-09-2012-00-06

14 IN THE MATTER OF:  
15  
16 FRY'S ELECTRONICS, INC.,  
17 Respondent.

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**RESPONDENT FRY'S ELECTRONICS,  
INC.'S UNOPPOSED MOTION FOR  
SECOND AND FINAL EXTENSION OF  
TIME TO RESPOND TO THE COMPLAINT  
AND NOTICE OF OPPORTUNITY FOR  
HEARING**

21 Respondent FRY'S ELECTRONICS, INC. (hereinafter referred to as "Respondent") now moves  
22 to extend the time to respond to the U.S. Environmental Protection Agency's Complaint and Notice of  
23 Opportunity for Hearing from November 28, 2012 to December 28, 2012. Respondent offers the  
24 following in support of this motion:

- 25 1. Pursuant to 40 C.F.R. § 22.7(b), the Environmental Appeals Board or the Presiding Officer may  
26 grant an extension of time for filing any document, including a response to the Complaint.
- 27 2. The Complaint was filed and served by mail on Respondent on September 24, 2012. Pursuant to  
28 40.C.F.R. §22.7(c), adding five days for service by mail created a due date for Respondent's

1 responsive pleading of Monday, October 29, 2012. Counsel of record for Respondent moved for  
2 a 30-day extension to respond to the Complaint. Complainant did not object to this continuance.

- 3  
4 3. On November 2, 2012, Regional Judicial Officer Steven L. Jawgiel signed an Order extending  
5 the time for Respondent to answer to November 28, 2012.
- 6 4. Respondent hereby requests a second and final extension of thirty days to respond to the  
7 Complaint. The new proposed due date will be Friday, December 28, 2012. Respondent has met  
8 and conferred with Complainant, who is amenable to one additional extension.
- 9 5. Good cause exists to justify this extension. Both parties are currently engaged in settlement  
10 negotiations. An additional extension of the deadline to file a response would allow the parties to  
11 engage in more meaningful negotiations. Neither party will be prejudiced by this continuance.

12 Based upon the foregoing, should this Motion be granted, Respondent FRY'S ELECTRONICS, INC.  
13 will file a response to the Complaint in this matter by December 28, 2012.

14 DATED: November 19, 2012

FRY'S ELECTRONICS, INC.

15  
16 By:



17 ALEXIS J. CUROTTO  
18 Legal Counsel