



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

In the Matter of:)
)
Borla Performance Industries, Inc.,) **Docket No. CAA-09-2020-0044**
)
Respondent.)

ORDER ON JOINT MOTION FOR EXTENSION OF BRIEFING DEADLINES

On April 19, 2021, the U.S. Environmental Protection Agency, Region 9 (“Complainant”) filed with the Tribunal and served on Borla Performance Industries, Inc. (“Respondent”) a Motion for Accelerated Decision on Liability and to Strike Affirmative Defenses (“AD Motion”). Shortly thereafter, on April 21, 2021, the parties filed a Joint Motion for Extension of Briefing Deadlines Regarding Complainant’s Partial Motion for Accelerated Decision (“Joint Motion”).

In the Joint Motion, the parties request that the deadlines for filing the Response to the AD Motion and the subsequent Reply be extended to June 11, 2021, and July 12, 2021, respectively. J. Mot. at 1. As grounds for the Joint Motion, the parties state that “[g]ood cause exists for an extended briefing schedule because of the complexity of the issues addressed by [the AD Motion].” J. Mot. at 2. The parties note the “significant factual and legal issues” addressed in the AD Motion and its Attachments and then state that “Respondent requires reasonable additional time to digest and respond to the full range of issues raised by [the AD Motion]. For the same reasons, Complainant will require reasonable additional time to review and digest Respondent’s response and to complete a reply submission.” J. Mot. at 2. The parties declare that “[n]o prejudice to any party will occur” because they both consent to the extension, and they suggest that the extension will not delay the proceeding because the hearing date is yet to be established. J. Mot. at 2.


Under the Consolidated Rules of Practice governing this proceeding, set out at 40 C.F.R. Part 22 (“Rules”), parties are allowed 15 days to respond to a written motion and 10 days to reply to a written response. 40 C.F.R. § 22.16(b). However, the Rules empower the Presiding Officer to “set a shorter or longer time for response or reply[.]” *Id.* The Rules also authorize the Presiding Officer to “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[.]” *Id.* § 22.7(b).

Currently, Respondent’s Response is due by May 4, 2021, and Complainant’s Reply will be due by May 14, 2021 (at the latest). I find that good cause exists to allow the requested extension of time and that neither party will be prejudiced by granting this request. The Joint Motion is **GRANTED**. The new deadlines are as follows:

Friday, June 11, 2021
Monday, July 12, 2021

Respondent's Response to the AD Motion
Complainant's Reply to the Response

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: April 26, 2021
Washington, D.C.

In the Matter of *Borla Performance Industries, Inc.*, Respondent.
Docket No. CAA-09-2020-0044

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion for Extension of Briefing Deadlines**, dated April 26, 2021, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Dated: April 26, 2021
Washington, D.C.