

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR

C&S ENTERPRISE, L.L.C. Respondent	MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT'S INITIAL POST HEARING BRIEF AND TO REVISE REPLY BRIEF FILING DEADLINES Docket No. CWA-07-2018-0095
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Respondent files this motion for Extension of Time to File Respondent's Initial Post-Hearing Brief and to Revise Reply Brief Filing Deadlines.

1. Pursuant to the Presiding Officer's Post-Hearing Order of October 26, 2018, Complainant's Initial Post-Hearing Brief was required to be filed by December 14, 2018, Respondent's Initial Post-Hearing Brief was required to be filed by January 11, 2019, Complainant's Reply Post-Hearing Brief was required to be filed by January 25, 2019, and Respondent's Reply Post Hearing Brief is required to be filed by February 8, 2019.

2. Prior to the issuance of the Presiding Officer's Post-Hearing Order of October 26, 2018, Respondent's undersigned counsel had a six-day Iowa District Court jury trial scheduled to begin on December 4, 2018, a six-day Environmental Protection Agency hearing scheduled to begin on December 12, 2018, a five-day Iowa District Court jury trial scheduled to begin on January 9, 2019, and a fifteen-day Iowa District Court jury trial scheduled to begin on January 29, 2019.

3. Respondent's six-day Iowa District Court jury trial scheduled to begin on

December 4, 2018, was settled by the parties on November 30, 2018. The EPA hearing proceeded as scheduled and concluded on December 18, 2018. The scheduled five-day jury trial scheduled proceeded as scheduled and concluded at the end of the seventh day on January 17, 2019. The fifteen-day jury trial scheduled to begin on January 29, 2019 is proceeding as scheduled to end on February. 18, 2019.

4. Due to these scheduling conflicts and the unexpected departure of an associate from my law firm on December 1, 2018, who was assisting the undersigned Counsel with Respondent's post-hearing briefs, as well as additional work commitments scheduled prior the Presiding Officer's Post-Hearing Order of October 26, 2018, Respondent respectfully requests an extension of time until March 1, 2019, for the submittal of Respondent's Initial Post-Hearing Brief, and a corresponding adjustment in the due dates for Complainant's Reply Post-Hearing Brief and Respondent's Reply Post Hearing Brief.

5. Due to the federal government shutdown, Respondent's undersigned counsel was unable to contact Complainant's counsel and file this Motion until today. Respondent's undersigned counsel informed Complainant's counsel by telephone today in advance of filing this Motion.

Dated this 28th day of January, 2019.


BRICK GENTRY, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2019, I filed via the OALJ E-filing system the original of this Motion for Extension of Time to the EPA Headquarters Hearing Clerk, and sent by email Mr. Chris Muehlberger, counsel for Complainant.

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