

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:

August Mack Environmental, Inc.,

Requestor.

Docket No. CERCLA-HG-2017-0001

**REQUESTOR'S UNOPPOSED MOTION TO EXTEND
DISPOSITIVE MOTION DEADLINE**

Pursuant to 40 C.F.R. § 305.23, Requestor August Mack Environmental, Inc. ("AME") files its unopposed motion to extend dispositive motion deadline. In support of its motion, AME states the following:

1. On September 8, 2021, the Tribunal issued its Order of Redesignation and Prehearing Order.
2. The Order set a deadline for dispositive motions, such as a motion for an accelerated order, of January 21, 2022.
3. On December 20, 2021, EPA filed its Motion for Accelerated Decision and Memorandum of Law in Support of Agency's Motion for Accelerated Decision.
4. On December 23, 2021, AME filed its Motion to Compel Discovery, for Sanctions, and Motion to Extend Case Management Deadlines.
5. On December 29, 2021, the Tribunal granted EPA's motion for extension of time to respond to AME's motion to compel, making EPA's response deadline February

7, 2022. The Tribunal also granted AME's motion for extension of time to respond to EPA's motion for accelerated decision in part, extending AME's response deadline to a date that the Tribunal will set after ruling on the motion to compel.

6. In its December 29, 2021 order, the Tribunal concluded that "good cause exists to extend the time for August Mack to respond to the AD Motion until these discovery disputes are resolved."

7. AME requests an extension of the dispositive motion deadline up to and including 60 days after the discovery deadline contained in the order granting AME's motion to compel.

8. In the alternative, if the Tribunal denies the motion to compel, AME requests an extension of the dispositive motion deadline up to and including 60 days after service of the order denying the motion to compel.

9. Counsel for AME contacted EPA's counsel, asking him if he objects to this motion, and he responded by stating that "EPA does not object to your proposed 60 day motion to extend the Jan 21 deadline."

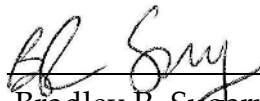
10. For the reasons set forth in AME's motion to compel, there is good cause to grant this motion. In short, AME anticipates filing a motion for accelerated order and requiring AME to file its motion for accelerated order before discovery takes place would be unduly prejudicial and unfair to AME and conflict with the Constitution, the Fourth Circuit's Order, and the Rules of Practice.

11. The requested extension of time will not prejudice EPA. This matter has not been set for hearing, EPA's deadline to respond to AME's motion to compel has been extended up to and including February 7, 2022, and AME's deadline to respond to EPA's motion for accelerated decision has been extended to a date that will be set after the Tribunal rules on the motion to compel.

12. Thus, granting the present motion is warranted.

WHEREFORE, AME requests that it be granted an extension of time to file a dispositive motion, such as a motion for accelerated order.

Respectfully submitted,



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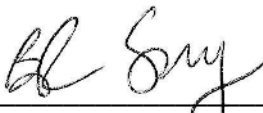
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Certificate of Service

I certify that the foregoing was filed and served on the Chief Administrative Law Judge Biro on January 14, 2022 through the Office of Administrative Law Judge's e-filing system, and that a copy of this document was also served on opposing counsel at the following e-mail addresses: cohan.benjamin@epa.gov and Swenson.erik@epa.gov.



Bradley R. Sugarman