

Mark L. Pollot, Esq.  
2576 E. Sadie Drive  
Eagle, ID 83616

(208) 867-8389  
[Conresctr@cableone.net](mailto:Conresctr@cableone.net)

Attorney for Respondent  
Dave Erlanson, Sr.

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	
	)	
Dave Erlanson, Sr., Individual	)	Docket No. 10-2016-0109
	)	
Swan Valley, Idaho	)	Chief Administrative Law Judge Susan L. Biro
	)	
Respondent	)	
_____	/	

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSE TO MOTION FOR EXPEDITED DECISION

COMES NOW Respondent Dave Erlanson, Sr. and moves this tribunal for an order extending the time for Respondent to file his response to the Motion of the EPA for expedited decision in the above-captioned matter. Counsel for Respondent has conferred with Counsel for the EPA, Mr. Endre Szalay who has authorized Counsel for Respondent to represent that the EPA will not oppose this Motion but would oppose further extensions of time to respond.

This motion is necessitated by the medical needs of undersigned Counsel for Respondent, Mark L. Pollot. Counsel for Petitioners is a sole practitioner. He has complete responsibility for the preparation of pleadings, briefs, and all other documents in this and all other matters in which he is counsel, as well as the management and carrying out of proceedings and activities in all other litigation and non-litigation matters in which he represents parties. He uses computers and

other technology to meet his responsibilities to his client and to carry out the daily activities involved in his practice.

In the past several months, Counsel has experienced occasional medical issues, including illnesses and cardiac rhythm problems. These have caused some disruption of his work from time to time, have required adjustments to his schedule and an occasional need to seek extensions of time to file documents in some matters, but have otherwise not proved to be a major problem with the exception of a hospitalization in the spring of this year 2017 for a serious septicemia which required Counsel to seek an extension of time in the above-captioned matter.

Approximately four weeks prior to the filing of this motion, counsel developed a recurrence of abdominal symptoms similar to that which preceded his episode of septicemia. While this adversely affected his ability to work on this matter to a degree, he proceeded as diligently as he could under the circumstances. However, approximately two-and-a-half to three weeks prior to the date of the motion, the symptoms abruptly developed into severe abdominal pain, nausea, and vomiting, among other signs and symptoms. Given that he has recently suffered similar symptoms that resulted in a hospitalization for a septicemia and has a history of small bowel obstructions and heart disease, Counsel went to an emergency room and was there diagnosed with another small bowel obstruction. He was then admitted as an inpatient for treatment of the obstruction and monitoring of his cardiac status. He immediately notified Mr. Szalay of the hospitalization but was unable to file a notice with the Court or a request for extension of time while in the hospital. Mr Szalay informed Counsel that he let the tribunal know of Mr. Pollot's condition and his inability to file a motion. The hospitalization and the painful and debilitating nature of the obstruction made it impossible to undersigned counsel to work at all on any matter for which he is responsible, including the above-captioned matter, and

the post-hospitalization period of recuperation, which included follow-up medical supervision and treatment also interfered with his ability to effectively work on this and other matters.

Subsequently, undersigned Counsel conferred with Mr. Szalay by telephone and discussed how to proceed. Mr. Pollot informed Mr. Szalay that he would file a motion for an extension of time to file a response to the EPA's Motion during the week of July 17 and that he would be requesting that this tribunal set a date for the filing of the response two weeks from the filing of this motion. Mr. Szalay authorized undersigned Counsel to represent to this tribunal that EPA would not oppose this Motion but would oppose any further extension of time with respect to its Motion for Expedited Decision.

Therefore, Respondent respectfully requests that this Tribunal enter an order setting a filing date for Respondent's Response to EPA's Motion for Expedited Decision of August 2, 2017.

Respectfully submitted this 19th Day of July, 2017

/s/ Mark L. Pollot  
Mark L. Pollot, Esq.  
Attorney for Respondent  
Dave Erlanson, Sr.

CERTIFICATE OF SERVICE

I, Mark L Pollot, Esq., hereby certify that on July 19, 2017, I served a copy of the within and foregoing Motion for Extension of Time on the following person by email.

Mr. Endre Szalay, Esq.  
Counsel of Record  
United States Environmental Protection Agency  
[szalay.endre@epa.gov](mailto:szalay.endre@epa.gov)

/s/ Mark L. Pollot