



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
PHILADELPHIA FURNITURE, LLC,) DOCKET NO. CAA-02-2009-1215
)
)
RESPONDENT)

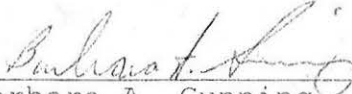
ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE PREHEARING EXCHANGES

On February 1, 2010 Complainant filed a Motion for Extension of Time to File Prehearing Exchanges ("Motion"). As noted by Complainant in its Motion, the Complaint in this matter was filed on August 13, 2009 and answered by Respondent on September 15, 2009. In the Prehearing Order, dated October 7, 2009, the parties were directed to submit their prehearing exchanges in accordance with the schedule laid out therein.

On October 23, 2009 Respondent filed the first Motion for Extension of Time to File Prehearing Exchanges, citing the need for an additional 60 days to pursue settlement negotiations. An extension was granted in an October 28, 2009 Order issued by the undersigned. On February 1, 2010, Complainant filed the present motion, seeking an additional extension. As with the first Motion for Extension, the instant motion is concurred upon by the parties. In support of its Motion, Complainant delineates a chronology of necessary steps that must be taken to reach a Consent Agreement and Final Order ("CAFO"). Complainant estimates that such process requires an additional 60 days.

Based on the parties' detailed representations, the Motion is **GRANTED**. The parties are given a final extension of 60 days in which to reach a settlement. Complainant is directed to file a Status Report by April 5, 2010, if the matter is not fully resolved by the execution of a CAFO by that time. The new schedule for the prehearing exchange is as follows: Complainant's

initial exchange is due April 9, 2010; Respondent's initial exchange is due May 7, 2010; and Complainant's rebuttal, if any, is due May 21, 2010.



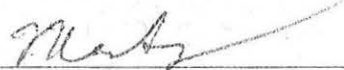
Barbara A. Gunning
Administrative Law Judge

Dated: February 3, 2010
Washington, DC

In the Matter of Philadelphia Furniture, LLC., Respondent.
Docket No. CAA-02-2009-1215

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Motion for Extension of Time to File Prehearing Exchanges**, dated February 3, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Copy by Pouch Mail to:

Copy by Pouch Mail to:

Denise C. Leong, Esq.
Office of Regional Counsel, Air Branch
ORC, U.S. EPA / Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Regular Mail to:

John T. Kolaga, Esq.
Damon Morey, LLP
The Avant Building - Suite 1200
200 Delaware Avenue
Buffalo, NY 14202-2150

Dated: February 4, 2010
Washington, D.C.