

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
 )  
FRM CHEM, INC., ) DOCKET NO. FIFRA-07-2008-0035  
ADVANCED PRODUCTS TECHNOLOGY, INC., ) DOCKET NO. FIFRA-07-2008-0036  
SYNISYS, INC., ) DOCKET NO. FIFRA-07-2009-0041  
CUSTOM COMPOUNDERS, INC., ) DOCKET NO. FIFRA-07-2009-0042  
 )  
RESPONDENTS. )

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**RESPONDENTS' REPLY TO COMPLAINANT'S  
MOTION TO AMEND COMPLAINTS**

COMENOW Respondents FRM Chem, Inc., Advanced Products Technology, Inc., Synisys, Inc. and Custom Compounders, Inc. ("Respondents") and hereby reply to Complainant's Motion to Amend Complaints filed on April 26, 2010.

By their instant response, Respondents refile and adopt their original response to Complainant's Motion to Amend Complaints which was served by overnight delivery on or about March 29, 2010.

The filing of the proposed Second Amended Complaints has not changed Respondents' original position. The underlying issue remains:

Can Complainant prove liability against the Respondents by meeting its burden of proof that Respondents knew they were distributing products whose registration had been cancelled?

WHEREFORE, Respondents respectfully request this tribunal to allow the amendments as to Custom Compounders (Docket No. FIFRA-07-2009-0042) and Synisys (Docket No. FIFRA-07-2009-0041) and deny the motion to amend as to Keith G. and Karlan C. Kastendieck.

Respectfully submitted,

JENKINS & KLING, P.C.

By: \_\_\_\_\_

Ronald E. Jenkins, #23850  
Sarah J. Swoboda, #56769  
10 S. Brentwood Blvd., Ste. 200  
St. Louis, MO 63105  
(314) 721-2525 ph.  
(314) 721-5525 fax  
[rjenkins@jenkinsklings.com](mailto:rjenkins@jenkinsklings.com)  
[sswoboda@jenkinsklings.com](mailto:sswoboda@jenkinsklings.com)  
Attorneys for Respondents

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via Federal Express upon:

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street NW  
Suite 350, Franklin Court  
Washington, DC 20005

Honorable Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street NW  
Washington, DC 20005

this 7<sup>th</sup> day of May, 2010.

Kathy Robinson  
Regional Hearing Clerk  
EPA - Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Chris R. Dudding  
Assistant Regional Counsel  
EPA - Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101