

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

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

MOTION FOR LEAVE TO FILE CORPORATE RESPONDENTS'
SUPPLEMENTAL PREHEARING EXCHANGE AND INDIVIDUAL RESPONDENTS'
INITIAL PREHEARING EXCHANGE

COME NOW Corporate Respondents FRM Chem, Inc., Advanced Products Technology, Inc., Synisys, Inc. and Custom Compounders, Inc. and Individual Respondents Keith G. Kastendieck and Karlan C. Kastendieck, and move this Court for leave to file Corporate Respondents' Supplemental Prehearing Exchange and Individual Respondents' Initial Prehearing Exchange.

Corporate Respondents filed their Initial Prehearing Exchange in a timely manner.

This Motion is filed in compliance with the May 27, 2010 Order of this Court as further detailed in its August 13, 2010 Order.

Individual Respondents were served with the Amended Complaints in late July and early August 2010. They filed their Answers in a timely manner and no deadlines have been set for them to file Prehearing Exchanges other than as set forth in the Court's Order of August 13, 2010.

All of these Prehearing Exchanges add anticipated testimony from previously identified witnesses. All of these Prehearing Exchanges add exhibits which pertain solely to the Respondents' ability to pay.

The Hearing has now been rescheduled for October 4, 2010 with a new settlement deadline of September 20, 2010.

WHEREFORE, Corporate Respondents and Individual Respondents move this Court for leave to file their Prehearing Exchanges.

Respectfully submitted,

JENKINS & KLING, P.C.

By: _____

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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 14th Street NW
Suite 350, Franklin Court
Washington, DC 20005

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

this ^{3rd} day of September, 2010.

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