

Robin Zahran  
American Consumer Products  
1301 W. 22<sup>nd</sup> Street  
Oak Brook, IL 60523

Fax Transmittal Page

Date: 4/<sup>29</sup>28/10

From: Robin Zahran

To: Judge Biro

To: Jennifer Lewis

Fax. No. 404-562-9486 / 202, 565-0044

Pages: 7 pages, including cover page

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From:

Robin Zahran, Respondent  
American Consumer Products  
1301 W. 22<sup>nd</sup> Street  
Suite 815  
Oak Brook, IL 60523  
630-573-1000  
630-574-8444 (fax)

Service List:

Judge Susan Biro  
U.S. EPA  
Office of Administrative Law Judges  
Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Mail Code 1900L  
Washington, DC 20460-2001  
Fax. 202-565-0044

Patrick Bullock  
Regional Hearing Clerk  
U.S. EPA- Region 4  
Sau Nunn Fed. Building  
61 Forsyth St., SW  
Atlanta, GA 30303-8960

Jennifer Lewis  
Associate Regional Council  
U.S. EPA- Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
Fax. 404-562-9486

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

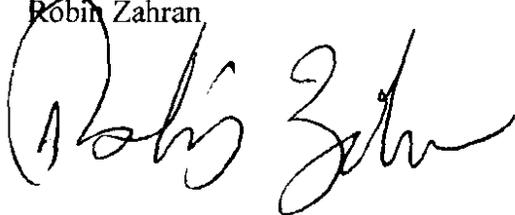
BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
)  
American Consumer Products Corporation, ) Docket No. FIFIA-04-2009-3023  
)  
Respondent. )

AFFIDAVIT OF MAILING AND PROOF OF SERVICE

Please take notice that there was filed with the United States Environmental Protection Agency, Region 4 Atlanta, Georgia, Respondents response to the Honorable Judge Susan Biro's order, dated April 20, 2010 to show cause. American Consumer Products Docket No. FIFRA-04-2009-3023 by mailing a copy to the Regional Hearing Clerk US EPA, Region 4, Jennifer M. Lewis, Attorney US EPA, Region 4, Melba Table Case Development Officer, US EPA Region 4 on this date, April 29, 2010 postage prepaid via U.S. Post Office Mail and Faxed on April 28, 2010.

Signed this 28<sup>th</sup> day of April, 2010.

ACP of A.A. Respondent  
by  
Robin Zahran  


**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE ADMINISTRATOR**

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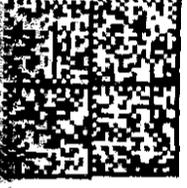
NOW COMES the Respondent, American consumer Products and respond to the Honorable Court's order to show cause and state as follows:

HISTORY

1. The Environmental Protection Agency (herein as "EPA") filed their complaint against American Consumer Products (herein as "ACP") of Illinois and ACP of Georgia.
2. A settlement conference was set and the parties attended. No agreement resulted but the parties were encouraged by the presiding judge to continue negotiating toward a settlement and both parties did.
3. On November 10, 2009, Robin Zahran moved temporarily to Columbus, GA to attend to the business affairs and continued his communication with Attorney Jennifer Lewis representing the EPA.
4. The EPA and Zahran continued settlement discussion. Zahran visited the EPA office and attended a meeting where the parties discussed a settlement and the issues of the EPA complaint. Zahran provided USA Lab, (original label used in error). The USA Lab is the prior company and the usage of its label by error by

- ... .. THE ... OF GA CEASED
- to do business in the year of 2009 even though it is not dissolved yet.
6. The staff person, Noreen Hodgins left employment with Zahran's Illinois office on February 23, 2010.
  7. Zahran did not receive any order by the Honorable Judge relating to the pre-hearing exchange while he was in Columbus, GA as none was sent to him while he was in Columbus, GA by any one.
  8. Upon returning to Illinois after illness in GA and other serious business and health complications matter, Zahran went to his Illinois office and found no paper from the EPA or the Honorable Judge Biro's orders.
  9. Zahran communicated with Attorney Lewis by informing her of the conditions he sustained while in Columbus, GA, yet showing intent in settlement.
  10. On or about April 3, 2010, the Honorable Judge Biro's assistant, Ms. Peale, phoned Zahran asking him if he objects to filing an amended complaint by the EPA on Monday.
  11. On Monday, following that weekend-Friday call and the fax of the proposed amended complaint, Zahran informed Ms. Beale that he had no objection. Zahran notified Mr. Beale that he did not receive the amended complaint to everyone's surprise.

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