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BY HAND DELIVERY

Stephen J. Darmody

November 10, 2009

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Chief Judge Susan Biro
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Franklin Court, Suite 350
1099 14th Street, NW
Washington, DC 20005

Re: Docket No. FIFRA-04-2010-3002,
Alleged Violations of the Federal Insecticide, Fungicide, and Rodenticide Act

Dear Chief Judge Biro:

Enclosed please find my client's motion for an enlargement of time to file a response to the First Amended Civil Complaint in this matter.

We understand that no judge has yet been assigned to the matter and that, until such an assignment is made, you serve as the Presiding Officer for adjudication of such motions.

Respectfully submitted,


Stephen J. Darmody

SJD/gmr

Enclosure

Copy: Regional Hearing Clerk, U.S. EPA, Region 4 (by facsimile and FEDEX)
Robert Caplan, Esq., U.S. EPA, Region 4 (by facsimile and FEDEX)
Mr. Mark Bloeth, U.S. EPA, Region 4 (by facsimile and FEDEX)

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:)	
)	
Agrimor Int'l Co.,)	Docket No. FIFRA-04-2010-3002
)	
Respondent)	MOTION FOR ENLARGEMENT
)	OF TIME TO ANSWER FIRST
)	AMENDED COMPLAINT
)	

Respondent, Agrimor Int'l Co. ("Agrimor") hereby moves for an enlargement of time of twenty (20) days within which to file a response to the First Amended Civil Complaint in this matter and in support of this motion states as follows:

(1) The First Amended Civil Complaint was served by the U.S. Environmental Protection Agency (USEPA) by U.S. mail on October 22, 2009;

(2) Absent an enlargement of time, the date by which Agrimor must file an answer in this matter is November 16, 2009;

(3) Undersigned counsel was retained on November 6, 2009;

(4) On the date of retention, undersigned counsel called Robert Caplan, senior attorney in the USEPA's Region IV, to discuss the matter and Agrimor's need for an enlargement of time to answer the Complaint;

(5) On November 9, 2009, Mr. Caplan returned the undersigned's call, discussed Agrimor's request and the benefits that may result from granting this request;

(6) Granting an enlargement may facilitate an expedited resolution of this matter;

(7) The brief extension sought here will not prejudice the rights of any party; and

LAW OFFICES
SHOOK, HARDY & BACON LLP

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(8) Having discussed the matter with Mr. Caplan, Agrimor does not anticipate an objection to this motion being filed by the USEPA..

Dated: November 10, 2009.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P

Counsel for Agrimor Int'l Co.

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By: 

Stephen J. Darmody

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D.C. Bar No.: 489688

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion for enlargement of time was served by facsimile and FEDEX this 10th day of November 2009, to: Regional Hearing Clerk, U.S. EPA Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303; Robert Caplan, Esq., Senior Attorney, U.S. EPA, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303; Mr. Mark Bloeth, Enforcement Officer, U.S. EPA, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303.


Counsel 



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
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FAX TRANSMITTAL PAGE

Date: 11/10/09 Pages (incl. transmittal page): 4

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Any Questions Or Problems May Be Directed To

Telephone: _____

REMARKS: Per our conversation.

