

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

10 MAY 11 AM 8:58

BEFORE THE ADMINISTRATOR

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

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.)

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

COME NOW 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

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 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 7th day of May, 2010.

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

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