

UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 ATLANTA, GEORGIA

In the Matter of:)	
)	
Agrimor Int'l Co.,)	Docket No. FIFRA-04-2010-3002
)	
Respondent)	MOTION TO STAY RULING ON USEPA's MOTION FOR LEAVE TO AMEND COMPLAINT AND FOR REFERRAL TO ADR
)	

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Respondent, Agrimor Int'l Co. ("Agrimor") hereby moves this Court to refer this case back to ADR and to stay any ruling on the EPA's motion to amend its complaint, and 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) After receiving several enlargements of time, Agrimor filed an Answer and Defenses to the USEPA's First Amended Complaint on February 10, 2010, knowing that the case would first be referred to Alternative Dispute Resolution ("ADR");

(3) On February 26, 2010, the USEPA filed a Motion for Leave to File a Second Amended Complaint;

(4) On March 3, 2010, the Chief Administrative Law Judge issued an order initiating an Alternative Dispute Resolution Process, and referring this matter to Judge William Moran to serve as the ADR Judge;

(5) The parties participated in ADR with Judge Moran until May 3, 2010, at which time Judge Moran advised the parties that he would be leaving his position with the USEPA. In light of the progress being made, the parties asked Judge Moran to

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letter, which was sent to counsel for the USEPA and the newly assigned ADR Judge, Spencer T. Nissen, on May 14, 2010.

(7) On the same day, while Agrimor's letter was in transit, and before he had an opportunity to solicit the parties' views on continuing the ADR process, Judge Nissen issued an order terminating the ADR process and returning the proceeding to Chief Judge Biro.

(8) Because the parties are deeply involved in the ADR process and working in good faith to resolve this case without litigation, Agrimor requests that the Chief Judge stay any ruling on the USEPA's motion to file an amended complaint and refer this case back to Judge Nissen to continue the ADR process.

(9) Additionally, because of the time lost as a consequence of Judge Moran's departure and Judge Nissen's assignment, Agrimor requests that the Chief Judge's order returning this case to ADR provide for a new thirty day ADR period.

(10) Staying an order on the USEPA's motion and returning this case to ADR for another thirty days will not prejudice the rights of any party and should facilitate the completion of ADR and an expedited resolution of this matter;

(11) The undersigned has emailed a draft of this motion to Robert Caplan, counsel for the USEPA, and asked whether his client agrees with the motion. As of the close of

business on May 20, 2010, Mr. Caplan has not responded to that request. Nevertheless, having previously discussed with Mr. Caplan the desire of both parties to continue with ADR, the undersigned does not anticipate an objection to this motion being filed by the USEPA.

Dated: May 20, 2009.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P

Counsel for Agrimor Int'l Co.

2400 Miami Center

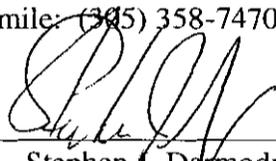
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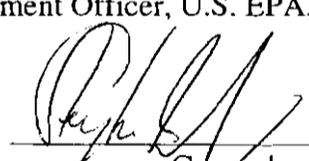

Stephen J. Darmody

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Florida Bar No.: 0469289

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion for enlargement of time was served by FEDEX this 20th day of May 2010, to: Chief Administrative Law Judge Susan Biro, USEPA, Office of Administrative Law Judges, Franklin Court, Suite 350, 1099 14th Street, NW, Washington, DC 20005; 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