

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

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.	)	

**MOTION FOR EXTENSION OF TIME**

COME NOW Respondents FRM Chem, Inc., Advanced Products Technology, Inc., Synisys, Inc. and Custom Compounders, Inc. (“Respondents”), by and through their undersigned counsel, and respectfully request an extension of time in which to file their Prehearing Exchange Pleading as ordered by this Court on December 2, 2009. In support of their request for an extension, counsel states as follows:

1. Complainants’ Prehearing Exchange was filed in a timely manner (January 15, 2010) and served by mail on Respondents’ counsel. Complainant’s Prehearing Exchange was not received by United States Post Office delivery until January 22, 2010. This was due to no fault of Complainant. Counsel for the parties spoke frequently about the whereabouts of the pleading, checked tracking with the United States Postal Service on numerous occasions, etc. Complainant’s counsel finally sent the pleading via email, but due to the volume of the pleading, this transmission was delayed until non-business hour transmission.

As a result, through no fault of either party or its counsel, the delivery of the pleading was delayed a week.

2. Nevertheless, Respondents' counsel was diligently trying to meet its February 16, 2010 deadline for its Prehearing Exchange submission when he encountered a sudden and unexpected death in his immediate family resulting in a wake on Wednesday, February 10, 2010 and a funeral on Thursday, February 11, 2010.

3. As a result, counsel's Prehearing Exchange will not be complete and ready to be filed in a timely manner.

4. Counsel requests a ten (10) day extension in its deadline from February 16, 2010 to February 26, 2010 as a result of the unforeseen events.

5. Respondents' counsel has attempted to contact Complainant's counsel to ascertain his position with respect to this extension request. Thus far, no contact has been made. However, if the Court would continue Complainant's Rebuttal for ten (10) days as well, counsel humbly suggests no harm would occur to his adversary.

WHEREFORE, Respondents respectfully request an extension of time in which to file their Prehearing Exchange until February 26, 2010 and an extension of time for Complainants' Rebuttal, up to and including March 10, 2010.

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](mailto:rjenkins@jenkinsklings.com)  
[sswoboda@jenkinsklings.com](mailto:sswoboda@jenkinsklings.com)

Attorneys for Respondents

**CERTIFICATE OF SERVICE**

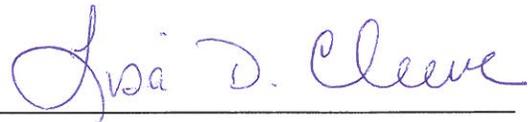
The undersigned hereby certifies that a copy of the foregoing was served by overnight delivery and facsimile, upon:

Judge Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street NW  
Washington, DC 20005

Chris R. Dudding  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street NW  
Suite 350, Franklin Court  
Washington, DC 20005

this 12<sup>th</sup> day of February, 2010.

  
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