

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2015 MAR 12 AM 8:33

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

Camicide, LLC

Respondent

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Docket No. FIFRA-07-2015-0017

MOTION TO STRIKE COMPLAINT OR FOR EXTENSION OF TIME TO ANSWER

COMES NOW, Camicide, LLC, by and through its undersigned attorneys, and moves the Regional Hearing Officer to strike the instant Complaint against Camicide, LLC and/or grant Camicide, LLC an extension of time to file an Answer to the Complaint 30 days after Respondent has received a complete copy of the Complaint. In support thereof, Camicide, LLC states:

1) On February 6, 2015, Camicide, LLC's counsel received a copy of the Complaint in this case missing Page 6 which appears to cover Paragraphs 44 through 50 of the Complaint and, specifically, the Relief Sought by U.S. EPA.

2) On March 5, 2015, the undersigned counsel called and left a voicemail for Assistant Regional Counsel, Lucretia Myers, asking whether U.S. EPA would agree to an extension of time to Answer and received a return voicemail that counsel should file a motion requesting an extension.

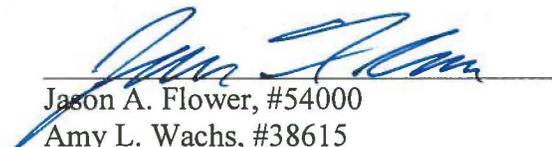
3) In reviewing the Complaint further, counsel noted the missing page and confirmed that the Complaint that counsel received was missing key terms and demands (Page 6).

4) Counsel and Respondent cannot answer the allegations of the Complaint without a full and complete copy.

5) Further, as has been explained to Assistant Regional Counsel, counsel has had difficulty communicating with Respondent due to the business being closed and the former president of the company experiencing personal health and family difficulties.

6) Counsel has made an offer of settlement on behalf of Respondent and would like to work with Associate Regional Counsel to resolve the matter based on the absence of an ability to pay anything at this time.

WHEREFORE, for the reasons set forth above, counsel moves the Regional Hearing Officer to strike the instant Complaint as incomplete. In the event this motion to strike is denied, counsel moves the Regional Hearing Officer to grant Respondent 30 days from receipt of a full and complete copy of the Complaint to file an Answer.



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Attorneys for Camicide, LLC

CERTIFICATE OF SERVICE

I certify that on the date noted below I sent a copy of the above-referenced documents to the following:

Via Federal Express to:

Regional Hearing Clerk
EPA – Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

And via Federal Express and e-mail to:

Lucretia Myers
Assistant Regional Counsel
EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Date:

3/6/2015

A handwritten signature in blue ink, appearing to read "John Allen", is written over a horizontal line.

HUSCH BLACKWELL

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

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March 6, 2015

VIA FEDERAL EXPRESS & E-MAIL

Regional Hearing Clerk
United States Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Lucretia Myers
Assistant Regional Counsel
EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Re: *In the Matter of Camicide, LLC*
Docket No. FIFRA-07-2015-0017

Dear Sir/Madam:

Enclosed please find our Motion to Strike Complaint or for Extension of Time to Answer.

Should you have any questions, please feel free to contact me.

Very truly yours,

HUSCH BLACKWELL LLP

By: 
Jason A. Flower

JAF/ah

Enclosure