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1 **KENNETH I. GROSS, ESQ. #117838**
2 **LAW OFFICES OF KENNETH I. GROSS**
3 **849 S. Broadway, Ste. 504**
4 **Los Angeles, CA 90014**
5 **(213) 627-0218**
6 **(213) 623-4628 fax**

Attorneys for Respondent: FOUR QUARTERS WHOLESale, INC.

8 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

9 **REGION IX**

10 In the Matter:

12 FOUR QUARTERS WHOLESale, INC.)

14 Respondent,

15 vs.

CASE NO: FIFRA-9-20070008
ANSWER TO COMPLAINT

18 COMES NOW RESPONDENT and answers the complaint as follows:

- 19 1. Respondent admits the allegations of paragraphs 1, 3, 5, and 10 of the complaint.
20 2. Respondent denies the allegations of paragraphs 2, 4, 15, 16, 18, 19, 21, 22, 24,
21 25, 27, 28, 30, 31, 33, 34, 36, 37, 39, 40, 42, 43, 45, 46, 48, 49, 51, 52, 54, 55, 57,
22 58, 60, 61, 63, 64, 66, 67, 69, 70, 72, 73, 75, 76, 78, and 79.
23 3. Respondent does not have sufficient information to admit or deny the allegations
24 of paragraphs 6, 7, 8, 9, 11, and 13 and therefore denies the allegations of those
25 paragraphs.
26 4. With regard to paragraph 12 of the complaint, the statute referenced speaks for

1 itself.

2 5. Respondent admits and denies the allegations of paragraphs 14,17, 20, 23, 26,
3 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, and 77 as is consistent
4 with this answer as previously pled.

5 **AFFIRMATIVE DEFENSES**

6 6. Respondent alleges that the USEPA is without jurisdiction to bring the herein
7 matter as jurisdiction rests solely with the State of California.

8 7. Respondent was not the importer of the allegedly unregistered products and at all
9 times was unaware that the products were not properly registered, if in fact they
10 were not.

11 8. The penalties and fines sought are excessive.

12 9. Respondent purchased the allegedly unregistered products from a third party and
13 if liability is found against Respondent, any penalties assessed should be
14 apportioned among the other responsible parties who supplied the allegedly
15 unregistered products to Respondent.

16 10. Respondent alleges that the Statute of Limitations in which to bring the herein
17 action has expired.

18 11. Respondent avers that its discovery and investigation are continuing and
19 Respondent therefore reserves the right to amend this answer and/or introduce
20 further arguments and evidence at the hearing on this matter in defense to the
21 complaint.

22
23 Dated: June 11, 2007

24 Law Offices of Kenneth I. Gross
& Assoc.

25 by

26 
Kenneth I. Gross, Esq.
27 Attorneys for Respondent

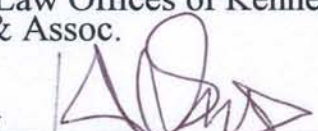
1 REQUEST FOR HEARING

2 Respondent Requests a Hearing on the Complaint and each of the allegations
3 contained therein.

4
5 Dated: June 11, 2007

6 Law Offices of Kenneth I. Gross
& Assoc.

7 by



8 Kenneth I. Gross, Esq.
Attorneys for Respondent

9
10
11 fourquarters.res

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action. My business address is 849 S. Broadway, Ste. 504, Los
6 Angeles, CA 90014

7 On June 11, 2007 I served the foregoing document described as Answer to Complaint on
8 the interested parties in this action.

9 [x] by placing true copies thereof enclosed in a sealed envelope and addressed as follows to
10 counsel of record:

11 Regional Hearing Clerk (ORC-1)
12 U.S. EPA, Region IX
13 75 Hawthorne Street
14 San Francisco, CA 94105

Edgar P. Coral, Esq.
Office of Regional Counsel (ORC-2)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

15 **BY MAIL**

16 [] By depositing in the U.S. Mail at Los Angeles, California, postage prepaid.

17 [x] As follows: I am readily familiar with this firm's practice of collection and processing
18 correspondence for mailing. Under those practices it would be deposited in the U.S. Mail on the
19 same day as posted at Los Angeles, California in the ordinary course of business. I am aware that
20 on motion of the party served, service is presumed invalid if the postal cancellation date or
21 postage meter date is more than one day after the date of deposit for mailing as set forth in this
22 affidavit.

23 Executed on June 11, 2007 at Los Angeles, California

24 **BY PERSONAL SERVICE**

25 [] I delivered such envelope by hand to the following person:

26 Executed on 2007 at Los Angeles, California

27 **BY FACSIMILE TRANSMISSION**

28 [] I transmitted said document to the office of the addressee(s) indicated above to the
following fax number:

Executed on 2007 at Los Angeles, California

I declare under penalty of perjury pursuant to the laws of the State of California that the
foregoing is true and correct.

Tina Luo