



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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IN THE MATTER OF )
Norman Manufacturing Co., )
RESPONDENT )

Docket No. FIFRA-05-2007-0030

ORDER GRANTING MOTION TO AMEND COMPLAINT

On August 24, 2007, Complainant submitted a Motion To Amend Complaint. The stated purpose of the Motion is to amend the Complaint filed on May 16, 2007 to stike the aggregate penalty proposed therein of \$46,200 and replace it with a proposed penalty amount of \$29,700. The Motion indicates that the Respondent has no objection to the Motion.

Section 22.14(c) of the Rules of Practice (40 C.F.R. § 22.14(c)) provides that once an answer has been filed, the Complainant may amend the Complaint only upon motion granted by the Presiding Officer. However, the Rules of Practice provide no standard for determining when leave to amend should be granted. Rule 15(a) of the Federal Rules of Civil Procedure concerning amended pleadings provides that "leave [to amend] shall be freely given when justice so requires." The United States Supreme Court has interpreted this Rule to mean that there should be a "strong liberality...in allowing amendments" to pleadings. Forman v. Davis, 371 U.S. 178 (1962). Leave to amend pleadings under Rule 15(a) should be given freely in the absence of any apparent or declared reason, such as undue delay, bad faith, or dilatory motive on the movant's part, repeated failure to cure deficiencies by previous amendment, undue prejudice, or futility of amendment. Id.

Therefore, the motion is hereby, GRANTED, and Complainant shall file its Amended Complaint within 10 days from the date of this Order.

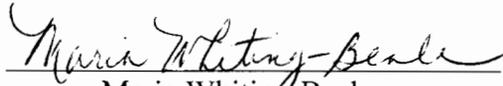
Susan L. Biro
Chief Administrative Law Judge

Date: September 4, 2007
Washington, D.C.

In the Matter of Norman Manufacturing Company, Respondent  
Docket No. FIFRA-05-2007-0030

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Amend Complaint**, dated September 4, 2007, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Legal Staff Assistant

Dated: September 4, 2007

Original And One Copy By Pouch Mail To:

Sonja Brooks-Woodard  
Regional Hearing Clerk  
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Copy By Pouch Mail To:

Luis Oviedo, Esquire  
Associate Regional Counsel  
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Copy By Regular Mail To:

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