

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
ATLANTA, GEORGIA

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In the Matter of: )  
Agrimor Int'l Co., ) Docket No. FIFRA-04-2010-3002  
Respondent ) MOTION FOR THIRD  
ENLARGEMENT OF TIME TO ANSWER  
FIRST AMENDED COMPLAINT  
\_\_\_\_\_ )

Respondent, Agrimor Int'l Co. ("Agrimor") hereby moves for a third enlargement of time within which to file a response to the First Amended Civil Complaint in this matter and in support of this motion 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 discussions with the USEPA, Agrimor filed two previous motions seeking short enlargements of the time available for Agrimor to file a response in this matter;

(3) Those motions were granted on November 12, 2009 and December 3, 2009;

(4) Pursuant to this Court's most recent order, Agrimor's response must now be filed on or before December 23, 2009;

(5) During a status conference held on December 8, 2009 the EPA's Regional Judicial Officer stated a preference for fewer and longer enlargements over more frequent and shorter enlargements

(6) Between December 8, 2009, and today, undersigned counsel has been engaged with Robert Caplan, senior attorney in the USEPA's Region IV, in discussions

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aimed at reaching an expedited resolution of this matter. In its status report dated December 17, 2009, the USEPA identified several issues that have been raised in those discussions, which may take some time to resolve;

(6) Granting an additional enlargement, up to and through February 13, 2009, should provide the USEPA with the time it needs to resolve those issues and facilitate an expedited resolution of this matter;

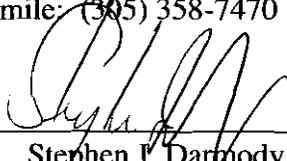
(7) The extension sought here will not prejudice the rights of any party; and

(8) The USEPA does not oppose this request for an enlargement of time.

Respectfully submitted,

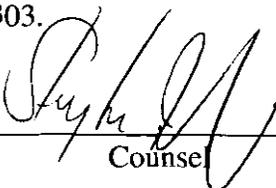
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By: \_\_\_\_\_

  
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 facsimile and FEDEX this 21<sup>st</sup> day of December 2009, to: 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

2

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