

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
Agrimor Int'l Co.,)
Respondent)
)
_____)

DOCKET NO.: FIFRA-04-2010-3002

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**RESPONDENT AGRIMOR'S NOTICE OF WITHDRAWAL OF ITS OPPOSITION TO
COMPLAINANT'S MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT**

Respondent, Agrimor Int'l Co. (hereinafter referred to as "Agrimor"), hereby withdraws its previously filed opposition to the Complainant's motion for leave to file a second amended complaint so that the settlement of this matter will encompass all of the allegations made by the Complainant.

The first amended complaint in this matter was filed on October 26, 2009; the sole respondent was Agrimor. Then on February 26, 2010, the Complainant filed a motion seeking leave to file a second amended complaint that added Stockton Chemical Corporation as a respondent and added numerous allegations. On March 11, 2010, Agrimor filed its response in opposition to the Complainant's motion for leave to file a second amended complaint. Before the Complainant's motion was resolved, the case was referred to Alternative Dispute Resolution.

The parties eventually reached a settlement that addresses all of the allegations made by the Complainant, including those made in the second amended complaint against both Agrimor and Stockton Chemical Corp. In order to ensure that both respondents receive the benefits of settling this matter, Agrimor agrees to withdraw its opposition to the Complainant's motion for leave to file the Second Amended Complaint.

To ensure that the Consent Agreement and Final Order are filed before the Respondents are obligated to file an answer, however, Agrimor requests that when the Court issues its order allowing the Complainant to file the second amended complaint, it provide the Respondents with thirty days within which to file an answer.

The parties anticipate that within those thirty days the parties will execute and file a Consent Agreement and Final Order that concludes this case and obviates the need for either Respondent to file an answer to the Second Amended Complaint.

Respectfully submitted,

SHOOK, HARDY & BACON, L.L.P.

Attorneys for the Agrimor Int'l Corp.

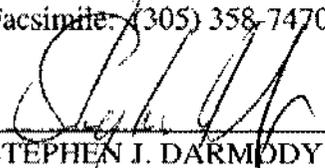
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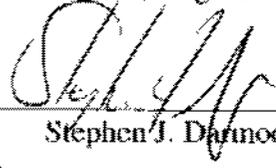
STEPHEN J. DARNODY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one true and correct copy of the foregoing was served by FEDEX this 17th day of November 2010, to: Regional Hearing Clerk, U.S. EPA Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303; and that one true and correct copy of the foregoing was served by FEDEX this 17th day of March 2010, to: The Honorable Barbara A. Gunning, Administrative Law Judge, U.S. Environmental Protection Agency – Mail Code 1900L, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; 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.


Stephen J. Darnody

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LAW OFFICES

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