UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of:

Everyday Group, LLC,

Respondent.

Docket No. FIFRA-02-2012-5201

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ORDER TO SHOW CAUSE

The United States Environmental Protection Agency ("EPA" or "Agency"), Region 2 ("Complainant"), initiated this proceeding on October 11, 2012, by filing a Complaint and Notice of Opportunity for Hearing against Everyday Group, LLC ("Respondent"). The Complaint alleges in three counts that Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), and 40 C.F.R. § 152.15 by engaging in the distribution or sale of unregistered pesticides. Through counsel, Respondent filed an Answer on November 9, 2012.

By Prehearing Order dated January 4, 2013, the undersigned established deadlines for a number of prehearing procedures, including the filing of a status report regarding the status of settlement negotiations between the parties and a prehearing exchange of information. By Order dated January 31, 2013, the undersigned extended the deadlines for the parties' prehearing exchange of information by 30 days. In particular, Respondent was directed to file its Prehearing Exchange on or before April 15, 2013.

To date, Respondent has failed to comply with this requirement or file a motion requesting an extension of the filing deadline. Pursuant to Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with an order of the presiding Administrative Law Judge. Accordingly, Respondent is hereby **ordered to show good cause** on or before **May 3, 2013**, as to why it failed to file its Prehearing Exchange as directed by the Order of January 31, 2013, and why a default order should not be entered against it.

Susan É. Biro Chief Administrative Law Judge

Dated: April 22, 2013 Washington, D.C.

In the Matter of *Everyday Group, LLC*, Respondent. Docket No. FIFRA-02-2012-5201

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order to Show Cause**, issued by Susan L.Biro, Chief Administrative Law Judge, in Docket No. FIFRA-02-2012-5201, were sent to the following parties on this 22nd day of April 2013, in the manner indicated:

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Mary Angeles Lead Legal Staff Assistant

Original and One Copy by Hand-Delivery to:

Sybil Anderson Headquarters Hearing Clerk U.S. EPA / Office of Administrative Law Judges Mail Code 1900R 1200 Pennsylvania Ave., NW Washington, DC 20460

Copy by Electronic and Regular Mail to:

Lee A. Spielmann, Esq. Assistant Regional Counsel Office of Regional Counsel U.S. EPA / Region II, Waste and Toxic Substance Br. 290 Broadway, 16th Floor New York, NY 10007-1866 Email: <u>spielmann.lee@epa.gov</u>

Copy by Electronic and Regular Mail to:

Clarence J. Erickson, Esq. Cowan Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 Email: cje@cll.com

Dated: April 22, 2013 Washington, DC