

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)
)
Gottfredson's, Inc.,) Docket No. FIFRA-09-0828-C-94-03
)
Respondent)

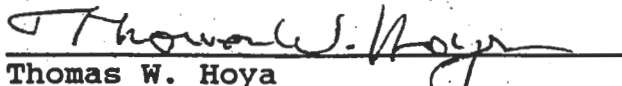
SUMMARY OF TELEPHONE CONFERENCE

STATEMENT OF AGREEMENT AND RULING

This document summarizes the February 14, 1996 telephone conference, and states for the record the agreement reached and ruling issued during the conference. Representing Complainant was David M. Jones, and representing Respondent was Kevin J. Phillips.

In the conference, Respondent explained his defense to the Complaint. Since at this point this defense appears nowhere in the written record, it was agreed that by February 29, 1996 Respondent will submit a letter setting forth this defense.

It was ruled that Complainant's Motion for a Default Order is denied. Respondent had failed to file a prehearing exchange, as stated in the Motion. Nevertheless, since Respondent is appearing in this case without legal counsel and may not have appreciated the consequences of that failure to file, Respondent is given another chance to state his case through the letter due February 29, 1996. Where possible, it is always desirable to decide a case on the merits, rather than on a procedural point.


Thomas W. Hoya
Administrative Law Judge

Dated: February 14, 1996

In the Matter of Gottfredson's Inc., Respondent
Docket No. FIFRA-09-0828-C-94-03

Certificate of Service

I certify that the foregoing **Summary of Telephone Conference Statement of Agreement and Ruling**, dated February 14, 1996, was sent this day in the following manner to the addressees listed below.

Original by Regular Mail to:

Steven Armsey
Regional Hearing Clerk
U.S. EPA
75 Hawthorne Street
San Francisco, CA 94105

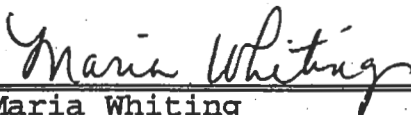
Copy by Regular Mail to:

Attorney for Complainant:

David M. Jones, Esquire
Office of Regional Counsel
U.S. EPA
75 Hawthorne Street
San Francisco, CA 94105

Attorney for Respondent:

Kevin J. Phillips
Gottfredsons Incorporated
P.O. Box 307
179 Clover Street
Caliente, NV 89008


Maria Whiting
Maria Whiting
Legal Staff Assistant

Dated: February 14, 1996