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In the Matter of Alleged Violations  
of Article 33 (Pesticides) of the New  
York State Environmental Conservation  
Law ("ECL") and Part 325 (Application  
of Pesticides) of Title 6 of the  
Official Compilation of Codes, Rules  
and Regulations of the State of New  
York ("NYCRR")

DEC Case No.  
CO 1-20031229-415

**Ruling on Motion  
for a  
More Definite  
Statement**

-by-

Satur Farms, LLC,

September 22, 2006

Respondent.

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**Proceedings**

Department Staff commenced this proceeding by service of a Notice of Hearing (dated July 15, 2006) and a Complaint (undated). The Complaint alleges four causes of action.

By Notice of Motion and Affirmation of Respondent's attorney, Eric J. Bressler, both dated August 9, 2006, Respondent moved for a more definite statement, pursuant to 6 NYCRR 622.4(e) and 622.6(e). The motion was received by the Office of Hearings and Mediation Services on August 11, 2006.

On September 13, 2006, this matter was assigned to the undersigned Administrative Law Judge ("ALJ"). Pursuant to 6 NYCRR 622.6(c)(3), a motion is answerable in five business days (plus five days for mailing [622.6(b)]). However, no response to the motion had been received although the time to respond had passed.

On September 14, 2006, in view of the recent assignment of this matter to an ALJ, I advised the parties that DEC Staff's time to respond to the motion was extended to September 20, 2006. Again, no DEC Staff response has been received.

**Ruling:** The Respondent's motion for a more definite statement is granted. Pursuant to 6 NYCRR 624.4(e)(2), DEC Staff must serve an amended Complaint within 15 days of

receipt of notice that the motion is granted. Respondent must serve an Answer within twenty days of the receipt of the amended Complaint.

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/s/  
Kevin J. Casutto  
Administrative Law Judge

Dated: September 22, 2006  
Albany, New York

To: Distribution List (Dated September 14, 2006)

**SATUR FARMS, LLC**  
DEC CASE NO. CO 1-20031229-415

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September 14, 2006

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