

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 MAY 18 PM 1:58

Docket No. FIFRA-08-2007-0002

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:)	
)	
Kevin Larsen)	MOTION REQUESTING ALTERNATIVE
Larsen Farms)	DISPUTE RESOLUTION AND
391A Rock Springs Road)	CLARIFICATION OF OTHER MATTERS
P.O. Box 76)	OR IN THE ALTERNATIVE, ENTRY OF
Reserve, Montana 59258,)	APPEARANCE
)	
Respondent)	

Complainant, United States Environmental Protection Agency ("EPA"), by and through its attorney, Eduardo Quintana, submits this MOTION REQUESTING ALTERNATIVE DISPUTE RESOLUTION AND CLARIFICATION OF OTHER MATTERS OR IN THE ALTERNATIVE, ENTRY OF APPEARANCE pursuant to 40 C.F.R. sections 22.5, and 22.16, and states as follows:

1. Complainant, by and through its undersigned attorney, Eduardo Quintana, filed a complaint against Respondent on March 29, 2007. To date, the undersigned is and has always been the EPA Region 8 attorney assigned to this case.
2. It appears that at some point there may have been a miscommunication where somehow, rather than having the undersigned as the attorney of record, Ms. Jessie Goldfarb has been apparently erroneously designated as the attorney of record for Complainant.
3. As a result of that apparent misunderstanding, the undersigned did not receive the letter offering alternative dispute resolution (ADR) that is customarily sent by the Administrative Law Judge's Office to the parties. That letter was presumably sent to Ms. Goldfarb.
4. Ms. Goldfarb is under medical leave and works exclusively from her home. My understanding is that Ms. Goldfarb has also been on annual leave recently, and therefore a contributing factor in not alerting Region 8 management about the apparent confusion regarding this case.
5. Because of the circumstances described in this motion, the undersigned did not have an opportunity to respond to the request for ADR.
6. The undersigned has been in communication with Respondent's counsel, Ms. Laura Christoffersen. During discussions in April and as recently confirmed on May 17, 2007, the parties agreed that ADR would be beneficial and to pursue ADR when offered by the

Administrative Law Judge's Office. Counsel for Complainant believes that Ms. Christoffersen would have acknowledged Respondent's desire to partake in the ADR process, as discussed in April, after a discussion of the ADR letter with Ms. Christoffersen.

7. Counsel for both parties respectfully request the opportunity to partake in the ADR process.

For the reasons stated in this motion, Complainant respectfully requests that this case be referred for ADR, and reminds the court that the undersigned is the attorney of record.

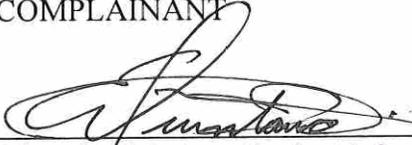
Respectfully submitted,

U.S. Environmental Protection
Agency, Region 8,

COMPLAINANT

Date: 5/18/2007

By:



Eduardo Quintana, Senior Enforcement Attorney
Legal Enforcement Program
United States Environmental Protection Agency
Region 8, Office of Enforcement, Compliance and
Environmental Justice,
1595 Wynkoop Street (ENF-L)
Denver, CO 80202-1129
Phone: 303-312-6924
Fax: 303-312-7519

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the MOTION REQUESTING ALTERNATIVE DISPUTE RESOLUTION AND CLARIFICATION OF OTHER MATTERS OR IN THE ALTERNATIVE, ENTRY OF APPEARANCE was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wyncoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent via first class mail to Respondent's counsel at the address below:

Laura Christoffersen
CHRISTOFFERSEN & KNIERIM, P.C.
20 Broadway
P.O. Box 650
Culbertson, Montana 59218

and a true copy was sent via pouch mail to:

Judge Spencer T. Nissen, U.S.E.P.A.
Office of Administrative Law Judges
Mail Code 1900L, Ariel Rios Building
1201 Constitution Ave., N.W.
Washington, D.C. 20004

Date

5/18/2007



Eduardo Quintana