

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ADMINISTRATIVE LAW JUDGES

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.
2008 JAN 16 AM 7:56
REGIONAL HEARING
CLERK

In the Matter of

LIFESTYLE FOOTWEAR INC.,

Respondent

Docket No. RCRA-02-2007-7115

MOTION REQUESTING STAY OF PROCEEDINGS

**TO THE HONORABLE SPENCER T. NISSEN
ADMINISTRATIVE LAW JUDGE:**

COMES NOW Plaintiff, Lifestyle Footwear, Inc. (hereinafter "Lifestyle" or "Respondent"), through the undersigned legal counsel and very respectfully states, alleges and prays as follow:

1. Lifestyle and the Environmental Protection Agency (hereinafter "EPA" or "Complainant"), have initiated settlement discussions with the intent to conclude the instant proceeding without having to incur in additional fees or expenses. To that effect, Lifestyle has already served upon counsel for the EPA a settlement offer which has been taken under advisement.

2. Notwithstanding, after serving of the aforementioned offer, this Honorable Administrative Law Judge (hereinafter "ALJ") issued an order scheduling the production of certain documentation on part of Complainant and Respondent.

3. A response to Lifestyle's offer was recently received from counsel for the EPA. He had been unable to attend this matter beforehand, since between the Christmas and New Year holidays many of the EPA staff working on this matter were out of the office.

4. In view of the foregoing and during the pendency of the settlement discussions, Lifestyle, **with Complainant's consent**, respectfully requests a stay of the proceedings for a term of forty-five (45) days. In this context, Lifestyle further submits that continuing these proceedings, prior to conclusion of the settlement discussions, will translate in unnecessary expenses, costs and attorney's fees for all parties involved, which, in turn, may dissuade a potential settlement.

5. In addition, Respondent respectfully submits that there is no indication that the EPA requires further discovery in order to adequately respond to Respondent's settlement offer. Consequently, a stay of the proceedings is warranted because it protects both parties from potentially unnecessary expenses.

6. Therefore, considering that both parties involved agree to the instant request, Lifestyle respectfully sustains that the stay of proceedings is proper in this context. To comply with this Honorable ALJ's Order would entail voluminous discovery that will prove to be unnecessary if a settlement is reached. The sole result of such production at this time would be cost and inconvenience, which would impose an undue burden on the time and resources of both Lifestyle and the EPA.

WHEREFORE, Lifestyle respectfully requested from this Honorable ALJ a stay of the proceedings for a term of forty five (45) days until the conclusion of the settlement discussions.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11th day of January, 2008.

I HEREBY CERTIFY: That on this same day, a true and correct copy of the foregoing was notified via regular mail to **Judge Spencer Nissen**, United States Environmental

Lifestyle Footwear, Inc., Respondent
Docket No. RCRA-02-2007-7115
Page -3-

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Pennsylvania Avenue, NW, Washington, DC 20460-2001 (1-202-565-0044), **Karen Maples**,
Regional Hearing Clerk, U.S. EPA/ Region II, 290 Broadway, 16th Floor, New York, NY
10007-1866 and via facsimile to: **Stuart Keith, Esq.**, Assistant Regional Counsel, U.S. EPA/
Region II, 290 Broadway 16th Floor, New York, NY 1007-1866 (1-212-637-3199 or 3115).

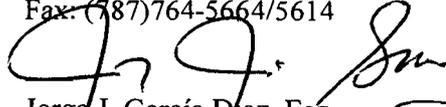
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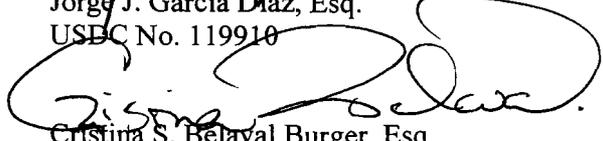
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