



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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JAN 06 2010

REPLY TO THE ATTENTION OF:  
C-14J

**VIA FAX, ELECTRONIC MAIL AND CERTIFIED U.S. MAIL**

Mr. James E. Meason  
Attorney at Law  
113 W. Main Street  
Rockton, Illinois 61072  
815-624-5955 (FAX)  
jimmeason@yahoo.com

Re: In re: Allen Barry and Tim Barry d/b/a Allen Barry Livestock (IL 0067229)  
Docket No. V-W-07-AO-06

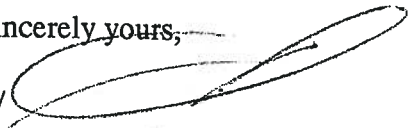
Dear Mr. Meason:

Pursuant to the hearing officer's November 30, 2010 order in this case, and as a follow-up to my December 1, 2010 letter to you, I am again asking that you respond to my telephone calls and letters requesting that you advise us regarding your settlement position and the items raised in that letter.

The order requires us to report to hold a settlement conference before January 21, 2011 and to file a report to the hearing officer before January 26, 2011. I need to know your intentions as soon as possible so that we can schedule accordingly, and comply with the deadline.

Sincerely yours,

/s/

  
Luis Oviedo  
Associate Regional Counsel

cc: V. Aistars

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	<b>DOCKET NO. CWA 05-2010-0008</b>
	)	
<b>Mr. Allen Barry and Mr. Tim Barry</b>	)	<b>Administrative Law Judge</b>
	)	<b>Barbara A. Gunning</b>
	)	
<b>d/b/a Allen Barry Livestock</b>	)	
	)	
<b>1448 Route 72 East</b>	)	
	)	
<b>Leaf River, Illinois 61010</b>	)	

**STATUS REPORT**

**Settlement Conference**

1. The Judge's November 30, 2010 order in this case instructed the Parties to hold a settlement conference before January 21, 2011. Since then, the Complainant's counsel has repeatedly telephoned Respondents' counsel, James E. Meason, leaving multiple messages with his office. On December 1, 2010, Complainant wrote to Respondent's counsel asking him whether his client intends to continue in good-faith settlement discussions, or submit any documentation supporting any inability to pay. On January 6, 2011, Complainant again sent counsel certified mail requesting that Respondents or their counsel work with Complainant to comply with the Judge's order. Exhibit 1.
2. Respondents and their counsel have failed to reply to any of these communications.
3. As a result, the parties have been unable to conduct a settlement conference, and as of the date of this filing, it is impossible for Complainant to report as to the likelihood of amicable settlement in this case.

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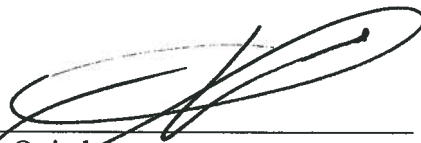
Request for Hearing

4. Respondents have failed to request a hearing in this case. The Judge in this case instructed Respondents to file a clarification statement on whether they request a hearing by December 23, 2010. As of the date of this filing, the Respondents have failed to file any explanation for their failure to follow the Judge's order, or otherwise make their position known in this case.

Statement of Clarification

5. The Judge in this case instructed Complainant to clarify language in its initial Complaint concerning the identification of Respondents in this case. Complainant filed its Statement of Clarification on January 12, 2010, and served a copy on Respondents' counsel.

1/25/2011  
Date \_\_\_\_\_

  
\_\_\_\_\_  
Luis Oviedo  
Associate Regional Counsel  
Region 5

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CERTIFICATE OF SERVICE

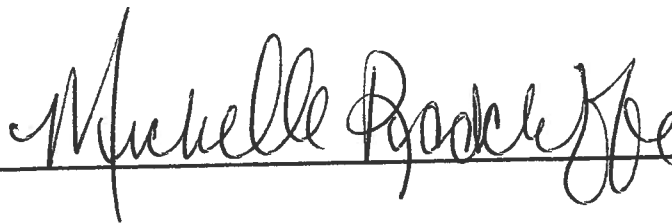
I certify that the foregoing Status Report was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590

Copy by certified mail,  
return receipt requested: Mr. James Meason, Esq.  
Counsel for Respondents  
113 W. Main Street  
Rockton, IL 61072

Copy by pouch mail: Administrative Law Judge Barbara A. Gunning  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Ave., NW  
Mail Code 1900L  
Washington, D.C. 20460-2001

Dated: January 25, 2011

  
\_\_\_\_\_