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2011 JUN 15 PM 2:

REGIONAL COUNSEL

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7 UNITED STATES  
8 ENVIRONMENTAL PROTECTION AGENCY  
9 REGION IX

10 In the Matter of: ) Docket No. FIFRA-09-2011-0011  
11 )  
12 Kama'aina Termite and Pest Control, Inc., ) MOTION FOR EXTENSION OF  
TIME TO CONTINUE ALTERNATIVE  
13 Respondent. ) DISPUTE RESOLUTION PROCESS  
14 )

15 TO JUDGE NISSEN:

16  
17 Pursuant to the authority set forth in the Order Initiating Alternative Dispute Resolution  
18 Process and Appointing Neutral dated April 5, 2011, Complainant U.S. Environmental  
19 Protection Agency, Region IX ("Complainant"), moves the Neutral, Judge Nissen, to grant a 45-  
20 day extension of time to continue the alternative dispute resolution ("ADR") process to July 21,  
21 2011. Complainant's reasons for seeking an extension for time are set forth below.

22 BACKGROUND

23 On February 24, 2011, Complainant filed a civil administrative action against Respondent  
24 Kama'aina Termite and Pest Control, Inc., in the above-entitled action. The Complaint alleges  
25 five violations of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G). Respondent filed an  
26 Answer in response to the Complaint on March 17, 2011. An Order Initiating Alternative  
27 Dispute Resolution Process and Appointing Neutral was filed on April 5, 2011. Pursuant to this  
28 Order, the ADR process will terminate on June 6, 2011 unless the Neutral agrees otherwise.

1 ARGUMENT

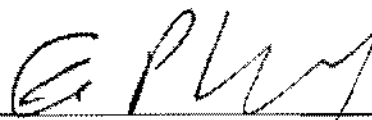
2 It is Complainant's policy to encourage settlement and avoid litigation when consistent  
3 with the provisions and objectives of the law at issue. Representatives of Complainant and  
4 Respondent have come to a settlement in principle in the above-captioned matter, and a 45-day  
5 extension of time to continue the ADR process will facilitate the process by which the settlement  
6 is finalized and made official. Specifically, the 45-day extension will allow (1) Respondent to  
7 review and comment upon the draft Consent Agreement and Final Order (the "CAFO") that  
8 Complainant provided to Respondent on June 2, 2011; and (2) after agreement on the final  
9 version of the CAFO, allow Complainant to process Respondent's signed copy of the CAFO  
10 through its bureaucratic filing system for final Agency signature and issuance.

11 Granting of this motion will not result in prejudice. As noted above, the parties have  
12 mutually agreed to a settlement in principle and the requested extension will provide  
13 Complainant and Respondent sufficient time to make the settlement official to fully resolve the  
14 matter. Respondent agrees with and does not object to this Motion.

15 CONCLUSION

16 For the reasons set forth above, Complainant respectfully requests that Judge Nissen grant  
17 Complainant's motion for a 45-day extension of time to continue the ADR process to and  
18 including July 21, 2011.

19 Dated at San Francisco, California, on this 15th day of June, 2011.

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21 \_\_\_\_\_

22 EDGAR P. CORAL  
23 Assistant Regional Counsel  
24 U.S. Environmental Protection Agency, Region IX  
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1 CERTIFICATE OF SERVICE

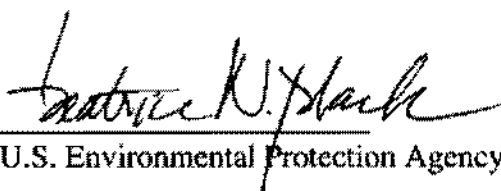
2 I certify that the original and one copy of the foregoing Motion for Extension of Time to  
3 Continue Alternative Dispute Resolution Process (Docket No. FIFRA-09-2011-0011) was hand  
4 delivered to:

5 Regional Hearing Clerk  
6 U.S. Environmental Protection Agency, Region IX  
7 75 Hawthorne Street  
8 San Francisco, California 94105

9 and that a true and correct copy of the Motion for Extension of Time to Continue Alternative  
10 Dispute Resolution Process was placed in the United States Mail, addressed to the following:

11 The Honorable Spencer T. Nissen  
12 Administrative Law Judge  
13 Office of Administrative Law Judges  
14 U.S. Environmental Protection Agency  
15 Mail Code 1900L  
16 1200 Pennsylvania Avenue, N.W.  
17 Washington, D.C. 20460

18 William J. Nagle, III, Esq.  
19 930 Pioneer Plaza  
20 900 Fort Street Mall  
21 Honolulu, HI 96813

22 Dated: 6-15-2011 By:   
23 U.S. Environmental Protection Agency, Region IX  
24  
25  
26  
27  
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