

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF)
) FIFRA 04-2014-3009
 MTJ American, LLC)
)
 Respondent)
_____)

JOINT STATUS REPORT AND MOTION FOR EXTENSION OF TIME TO FILE
PREHEARING EXCHANGES

Pursuant to Judge Biro's Prehearing Order dated November 3, 2015, counsel for both parties hereby file this Joint Status Report. The parties have reached an agreement in principle on the penalty, and will be reviewing the terms of a consent agreement and final order. The parties are making efforts to finalize the CAFO by December 15, 2015, the date that Complainant's Prehearing Exchange is due. However, if the parties are unable to complete the entire process by that date, the parties jointly move for an extension of time to finalize the agreement.

The basis for the motion for an extension is twofold. First, the undersigned counsel for Complainant states that his mother passed away on October 24, 2015, and that because he is solely responsible for closing down her business and her home, both of which are located 700 miles from Atlanta, he will be travelling back and forth from Atlanta to complete that responsibility over the next two months. Secondly, the parties request time to finalize the agreement and to get it filed, and while the intent is to complete it quickly, and certainly prior to the holidays, the parties would request that they be given additional time, until January 15, 2016, after the holidays, to file the CAFO. Respondent's counsel has a busy schedule including federal trial court deadlines, as well as both state trial court and appellate court deadlines prior to the holidays, which support extending the time to complete CAFO and to respond to Complainant's potential Prehearing Exchange if ultimately found necessary. If for any reason the settlement falls apart, the parties further propose that Complainant would file EPA's Prehearing Exchange by January 31, 2016, and Respondent would file its Prehearing Exchange by February 15, 2016.

Respondent's attorney, Matthew Rogers, has authorized the undersigned to state that he concurs in this Joint Status Report and Motion for Extension.

Respectfully submitted,



Robert W. Caplan
Counsel for Complainant