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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

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ENVIR. APPEALS BOARD

_____)	
In re:)	
Titan Tire Corporation & Dico, Inc.)	
(Southern Iowa Mechanical Superfund Site))	CERCLA § 106(b) Petition No. 10-01
)	
CERCLA Administrative Order)	
No. CERCLA-07-2009-0006)	
_____)	

U.S. ENVIRONMENTAL PROTECTION AGENCY STATUS REPORT

The Respondent, Region VII of the U.S. Environmental Protection Agency (“EPA”), by and through its Office of Regional Counsel, submits this status report pursuant to the Environmental Appeals Board’s (“EAB”) April 27, 2016 Order Continuing Stay of Proceedings. In the April 27, 2016 Order, the EAB directed the parties to file a status report (jointly or separately) beginning October 1, 2016, and continuing every three months (i.e., on or around January 1, April 1, July 1, October 1 of each year) advising the Board of the status of District Court litigation.

On May 3, 2016, Dico, Inc. and Titan Tire Corporation filed a Motion for Recusal, requesting the matter be reassigned to a different trial judge. After briefings by the parties, the District Court issued an Order on July 22, 2016, denying Dico, Inc./Titan Tire’s Motion for Recusal. Subsequently, the parties filed a Joint Motion to Continue Pretrial Deadlines and Trial Date on August 5, 2016. The joint motion was filed because of the scheduling uncertainties associated with Dico, Inc./Titan Tire’s petition for mandamus to the 8th circuit seeking to overturn the District Court judge’s July 22 Order denying the Motion for Recusal.

On August 8, 2016, the District Court granted the August 5th joint motion to continue. For the reasons stated in the parties’ joint motion, the District Court continued the pretrial deadlines and the trial date in the case until further order of the District Court. Once the 8th Circuit rules on the petition for mandamus, the parties will propose a scheduling order to govern further proceedings in the District Court, including a new trial date.

Dated this 29 day of September, 2016.

Respectively Submitted

By:



J. Scott Pemberton

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