

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

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

JOINT NOVEMBER 16, 2017 STATUS REPORT

Petitioners Titan Tire Corporation and Dico, Inc. ("Petitioners"), by and through their attorneys, Thomas D. Lupo and Michael F. Iasparro of Hinshaw & Culbertson LLP, and Respondent, U.S. Environmental Protection Agency, by and through its attorney, Kristen Nazar, Attorney, Office of Regional Counsel, U.S. Environmental Protection Agency Region 7, submit this Joint November 16, 2017 Status Report pursuant to the Environmental Appeals Board's ("EAB") September 27, 2017 Order Reinstating Stay of Proceedings. In the September 27, 2017 Order, the EAB requested a supplemental report informing the Board as to whether an appeal of the District Court's rulings in *United States of America v. Dico, Inc. and Titan Tire Corporation*, Case No. 10-CV-00503, has been or will be filed and to recommend next steps for orderly resolution of the present Board appeal.

On November 2, 2017, a Notice of Appeal was filed in the *United States of America v. Dico, Inc. and Titan Tire Corporation* matter in the United States District Court for the Southern District of Iowa, Case No. 10-cv-00503.

On November 13, 2017, all documents in the United States District Court for the Southern District of Iowa, Case No. 10-cv-00503 were filed in the United States Court of

Appeals for the Eighth Circuit, Case No. 17-3462. The Appeal Briefing Schedule Order which was also filed on November 13, 2017 is attached hereto as Exhibit A.

The parties believe this matter should continue to be stayed pending resolution of the *United States of America v. Dico, Inc. and Titan Tire Corporation* matter in the United States Court of Appeals for the Eighth Circuit, Case No. 17-3462. The parties also agree that the existing Order Reinstating Stay of Proceedings filed September 27, 2017 in this CERCLA § 106(b) Petition should remain in place pending the final resolution of the case by the United States Court of Appeals for the Eighth Circuit in Case No. 17-3462.

Dated: November 16, 2017

HINSHAW & CULBERTSON LLP

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2017, I served a true and correct copy of the above Joint November 16, 2017 Status Report by first class United States Mail addressed to the following:

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