

**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)	

PETITIONERS' OCTOBER 3, 2016 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, submit this October 3, 2016 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 ordered quarterly status reports, beginning October 1, 2016, advising the Board of the status of the litigation of the case styled *United States of America v. Dico, Inc. and Titan Tire Corporation*, Case No. 10-CV-0053, in the United States District Court for the Southern District of Iowa.

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 is currently stayed pending resolution of the Defendants' petition for a writ of mandamus filed with the United States Court of Appeals for the Eighth Circuit on the issue of whether the District Court Judge should recuse himself. On August 8, 2016, the District Court entered an order granting, until further order of the Court, the parties' Joint Motion to Continue Pretrial Deadlines and Trial Date, pending resolution of the petition for the writ of mandamus by the Eighth Circuit. Upon resolution of that petition by the Eighth Circuit, the parties are to contact the presiding Magistrate Judge in the

District Court proceedings to set a hearing or status conference wherein new pretrial deadlines and a new trial date can be considered. Given the overlap in issues, Petitioners continue to believe that the existing stay of proceedings in this CERCLA § 106(b) Petition should remain in place pending the final resolution of the case by the United States District Court for the Southern District of Iowa in Case No. 10-CV-0053.

Dated: October 3, 2016

HINSHAW & CULBERTSON LLP

By: /s/Thomas D. Lupo

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2016, I served a true and correct copy of the above Petitioners' October 3, 2016 Status Report by first class United States Mail addressed to the following:

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