

**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)	

PARTIES' AGREED STATUS REPORT

Petitioners Titan Tire Corporation and Dico, Inc. ("Petitioners"), by and through their attorneys, submit this Agreed Status Report pursuant to the Environmental Appeals Board's ("EAB") October 19, 2012 Order Continuing Stay of Proceedings. In the October 19, 2012 Order, the EAB requested "a status report advising the Board of the outcome of the federal district court proceedings" pending in the United States District Court for the Southern District of Iowa in the case styled *United States of America v. Dico, Inc. and Titan Tire Corporation*, Case No. 10-CV-0053, and "setting forth recommended next steps for orderly resolution of the pending appeal."

On February 24, 2014, the District Court for the Southern District of Iowa issued an Order on Bench Trial, entering judgment as follows:

1. Holding Dico and Titan Tire jointly and severally liable as arrangers;
2. Holding Dico and Titan Tire liable for \$1,477,787.73 in response costs incurred in connection with the SIM site;
3. Holding Dico liable for civil penalties and punitive damages; and

4. Against Dico in the amount of \$3,097,787.73 representing the civil penalties and punitive damages imposed in the case.

Counsel for Petitioners have informed counsel for Respondent, the United States Environmental Protection Agency, of Petitioners' intent to appeal the District Court's final judgment in Case No. 10-CV-0053. The parties agree that the existing stay of proceedings in this CERCLA § 106(b) Petition should remain in place pending the final resolution of the anticipated appeal from the final judgment entered by the United States District Court for the Southern District of Iowa in Case No. 10-CV-0053. Petitioners further suggest that another status report be filed within thirty days after all proceedings in the appellate court become final.

Dated: March 4, 2014

HINSHAW & CULBERTSON LLP

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of March, 2014, I served a true and correct copy of the above Parties' Agreed Status Report by first class United States Mail addressed to the following:

Scott Pemberton
Office of Regional Counsel
U.S. EPA, Region 7
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/s/Rhonda I. Young