

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

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| 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' APRIL 25, 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 April 25, 2016 Status Report pursuant to the Environmental Appeals Board's ("EAB") April 8, 2016 Order Requiring Revised Supplemental Status Report(s). In the April 8, 2016 Order, the EAB requested a supplemental report providing the parties' rationale supporting their recommended continued stay of this matter pending resolution 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, on remand from the U.S. Court of Appeals for the Eighth Circuit.

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 scheduled for a bench trial on September 19, 2016, which is expected to last up to eight days. On April 1, 2016, the parties jointly submitted a proposed scheduling order looking toward trial of the case, setting forth deadlines adopted by the District Court for the filing of motions in limine, a final pretrial order, and trial briefs, among others. The issues expected to be in dispute at the bench trial

beginning in September 2016 include arranger liability of Dico, Inc. and Titan Tire Corporation, as well as related response costs of the United States and punitive damages, issues that overlap with this pending matter. Given the overlap in issues, Petitioners 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: April 25, 2016

HINSHAW & CULBERTSON LLP

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2016, I served a true and correct copy of the above Petitioners' April 25, 2016 Status Report by first class United States Mail addressed to the following:

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