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

In re: Titan Tire Corporation & Dico, Inc. (Southern Iowa Mechanical Superfund Site) Petitioners.) Petition No. CERCLA § 106(b):10-0R -	U.S. E.P.A.
CERCLA Administrative Order No. CERCLA-07-2009-0006	PM 3: 51	

PARTIES' AGREED MARCH 1, 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, and Respondent, U.S. Environmental Protection Agency, by and through its attorney, J. Scott Pemberton, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency Region 7, submit this Agreed March 1, 2016 Status Report pursuant to the Environmental Appeals Board's ("EAB") February 4, 2016 Order Requiring Supplemental Status Report(s). In the February 4, 2016 Order, the EAB requested a supplemental report advising the Board as to whether the parties believe the current stay should be continued pending the return of the case styled *United States of America v. Dico, Inc. and Titan Tire Corporation*, Case No. 10-CV-0053, to active litigation status 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 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 District Court for the Southern District of Iowa. The district court in that case held a status conference with the parties on February 19, 2016, and ordered the parties to confer and, on or

before April 1, 2016, submit a proposed scheduling order looking toward trial of the case in the fall of 2016. Two possible trial dates were proposed, one in September and one in October. No trial date has currently been set in that matter. 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 case by the United States District Court for the Southern District of Iowa in Case No. 10-CV-0053.

Dated: March 1, 2016

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