



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

2007 OCT -3 PM 2:24 REGIONAL HEARING CLERK US EPA

IN THE MATTER OF)
Norman Manufacturing Co.,) Docket No. FIFRA-05-2007-0030
RESPONDENT)

ORDER

By Order dated July 30, 2007, Respondent was required to file its prehearing exchange on or before September 12, 2007. However, Respondent failed to do so. Therefore, on September 18, 2007 this Tribunal issued an Order requiring Respondent to show good cause on or before September 28, 2007 why it failed to submit its prehearing exchange as required by the Prehearing Order and why a Default should not be entered against it. In response, on September 27, 2007, the undersigned received a letter from Don Garant, on behalf of Respondent, which indicated that a settlement had been reached and that Agency counsel would be notifying this Tribunal of this fact. However, to date, no such notice has been received.

Moreover, the parties were explicitly advised in the following paragraph in the Prehearing Order that existence of a settlement did not constitute good cause for failing to strictly comply with the filing requirements thereof:

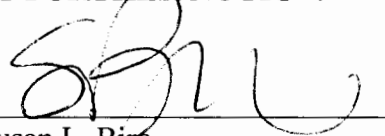
Respondent is hereby notified that its failure to either comply with the prehearing exchange requirements set forth herein or to state that it is electing only to conduct cross-examination of Complainant's witnesses can result in the entry of a default judgment against it. . . . THE EXISTENCE OF A SETTLEMENT IN PRINCIPLE DOES NOT CONSTITUTE A BASIS FOR FAILING TO STRICTLY COMPLY WITH THE PREHEARING EXCHANGE REQUIREMENTS. ONLY THE FILING WITH THE HEARING CLERK OF A FULLY EXECUTED CONSENT AGREEMENT AND FINAL ORDER, OR AN ORDER OF THE JUDGE, EXCUSES NONCOMPLIANCE WITH FILING DEADLINES.

Prehearing Order of July 30, 2007, page 4 (emphasis in original).

Therefore, Respondent is now in default and subject to entry of judgment in the full amount of the penalty proposed of \$46,200 as provided by Rule 22.17(c) (40 C.F.R. § 22.17(c)).

However, as a courtesy to Respondent and in consideration of the fact that Respondent is acting *pro se*, default against it will not be entered against it at this point. Instead, the parties are hereby **ORDERED** to file their fully executed Consent Agreement and Final Order memorializing their settlement no later than **November 1, 2007**, with a copy contemporaneously sent to the undersigned *by facsimile and mail*.

FAILURE TO SUBMIT THE CONSENT AGREEMENT IN A TIMELY MANNER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE OR DEFAULT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.

A handwritten signature in black ink, appearing to read 'S. Biro', is written over a horizontal line.

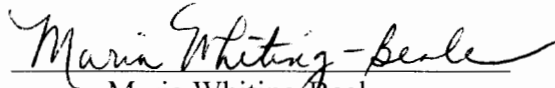
Susan L. Biro
Chief Administrative Law Judge

Dated: October 1, 2007
Washington, D.C.

In the Matter of Norman Manufacturing Company, Respondent
Docket No. FIFRA-05-2007-0030

CERTIFICATE OF SERVICE

I certify that the foregoing **Order**, dated October 1, 2007, was sent this day in the following manner to the addressees listed below.


Maria Whiting-Beale
Legal Staff Assistant

Dated: October 2, 2007

Original And One Copy By Pouch Mail To:

Sonja Brooks-Woodard
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-13J
Chicago, IL 60604-3590

Copy By Pouch Mail To:

Luis Oviedo, Esquire
Associate Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy By Regular Mail To:

Don Garant
19151 Mapleview
Detroit, MI 48205

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