

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:)
)
MTJ American, LLC,) Docket No. FIFRA-04-2014-3009
)
Respondent.)

ORDER REFERRING MATTER TO
ALTERNATIVE DISPUTE RESOLUTION

This matter was initiated on March 30, 2015, by the filing of a Civil Complaint by the Director of the Air, Pesticides and Toxics Management Division, United States Environmental Protection Agency, Region 4 ("Complainant") alleging in three counts violations of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136j(a)(1)(A), by MTJ American, LLC ("Respondent").

In response, on May 5, 2015, Respondent filed a single document entitled "Motion to Dismiss, Affirmative Defenses and Answer to the Civil Administrative Complaint and Request for Hearing," accompanied by ten (10) exhibits. Complainant filed an initial response to that pleading dated May 15, 2015, and an Amended Response on May 20, 2015. On May 20, 2015, the Complainant's own Motion to Dismiss and/or Strike Respondent's Counterclaims was filed. To date, no response to that Motion has been received from Respondent.

This matter was referred by the Regional Hearing Clerk to this Tribunal for a hearing on May 7, 2015. In response thereto, the parties were offered the opportunity to participate in this Tribunal's Alternative Dispute Resolution (ADR) process. Both parties responded favorably to such offer indicating their election to participate in ADR.

Therefore, this matter is hereby returned to the Clerk for reassignment to a neutral judge on the ADR docket. In the interim, ruling on the pending Motions will be held in abeyance until completion of the ADR process.




Susan L. Biro
Chief Administrative Law Judge

Dated: June 1, 2015
Washington, DC

In the Matter of MTJ American, LLC., Respondent
Docket No. FIFRA-04-2014-3009

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Referring Matter To Alternative Dispute Resolution**, dated June 1, 2015, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Original And One Copy To:

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Dated: June 2, 2015
Washington, DC