

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of )  
)  
JACK'S MAGIC PRODUCTS, INC., ) DOCKET NO. FIFRA-04-2007-3017  
)  
)  
Respondent )

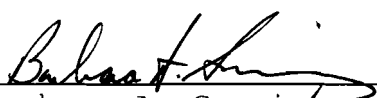
RECEIVED  
EPA REGION IV  
2007 OCT 29 AM 7:25  
HEARING CLERK

REPORT RECOMMENDING CONTINUATION  
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Chief Administrative Law Judge's Order of September 4, 2007 provides that this alternative dispute resolution (ADR) process terminates November 5, 2007. The recommendation of this Report is that the ADR process be continued for another month, to December 5, 2007.

This continuation of the ADR process is recommended because the parties' negotiations have developed the possibility of a settlement, but additional time is needed if a settlement is to be actually concluded.<sup>1</sup> In a conference call on October 23, 2007 the parties agreed on continuing the ADR process for another month. The parties' chances of achieving a settlement are sufficient to justify a continuation of ADR.

Accordingly, the undersigned will continue to work as a Neutral in this case and will file another report with the Chief Administrative Law Judge by December 5, 2007 unless otherwise directed by her.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge  
Dated: October 23, 2007

Approved:   
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: 10/23/07  
\_\_\_\_\_

<sup>1</sup>A conference call is scheduled for November 5, 2007.

**In the ADR Matter of *Jack's Magic Products*, Respondent.  
Docket No. FIFRA-04-2007-3017**

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Continuation of Alternative Dispute Resolution Process**, dated October 23, 2007, was sent this day in the following manner to the addressees listed below.



Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Patricia Bullock  
Regional Hearing Clerk  
U.S. EPA / Region IV  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

One Copy by Pouch Mail to:

Marlene J. Tucker, Esq.  
Associated Regional Counsel  
U.S. Environmental Accountability Div.  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8060

One Copy by Regular Mail to:

Paul M. Quin, Esq.  
Saxon Gilmore Carraway Gibbons Lash & Wilcox, PA  
Fifth Third Center  
201 East Kennedy Blvd., Suite 600  
Tampa, FL 33602

**Dated: October 23, 2007  
Washington, D.C.**