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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) **Docket No. FIFRA-05-2010-0016**
)
Liphatech, Inc.) **Status Report**
Milwaukee, Wisconsin)
)
Respondent.

STATUS REPORT

1. Complainant, U.S. EPA Region 5, submits this status report regarding settlement as directed by Administrative Law Judge Gunning's June 30, 2010 Prehearing Order in the above captioned matter.
2. Complainant initiated this action in September of 2009 by sending Respondent a pre-filing notice letter notifying Respondent of Complainant's intention to file a Complaint for civil penalties against Liphatech for alleged violations of FIFRA.
3. Subsequent to Respondent's receipt of the notice letter, the parties engaged in settlement discussions, but were unable to reach agreement.
4. On April 1, 2010, Complainant sent to Respondent an updated pre-filing notice letter, which included an updated description of the violations to be alleged and a new proposed penalty.
5. On May 14, 2010, Complainant filed the Complaint in this matter.
6. On June 30, 2010, Administrative Law Judge Gunning issued a Prehearing Order in which she directed the parties to hold a settlement conference before August 10, 2010.
7. On July 28, 2010, Complainant and Respondent held a settlement telephone

conference. Additionally, the parties conferred by email after the telephone conference regarding the potential for settlement. At this time the parties are unable to reach a settlement.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'E. Meara', with a long horizontal stroke extending to the right.

Nidhi K. O'Meara
Erik H. Olson
Associate Regional Counsels
U.S. EPA, Region 5

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Docket No. FIFRA-05-2010-0016

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2010, I filed the original and one copy of a Status Report with the Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and placed for pickup to be mailed a copy of the Status Report by Pouch Mail to:

Honorable Barbara A. Gunning
Administrative Law Judge
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

and placed for pickup to be delivered by UPS Next Day Air a copy of the Status Report to:

Mr. Michael H. Simpson, Esq.
Reinhart Boerne Van Deuren S.C.
1000 North Water Street
Suite 1700
Milwaukee, Wisconsin 53202



Erik H. Olson
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