

FILED

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

2011 JUL -7 PM 3:00

U.S. E.P.A. REGION IX  
REGIONAL HEARING CLERK

In the Matter of )  
 ) Dockets No. FIFRA-09-2011-0011  
Kama'aina Termite and Pest Control )  
 )  
Respondent )  
 )


**ORDER DENYING MOTION FOR EXTENSION OF ADR PERIOD AND  
RETURNING PROCEEDING TO CHIEF JUDGE**

The ADR period in this proceeding under FIFRA Section 12 (a)(2)(G), 7 U.S.C. § 136j (a)(2) (G), expired by its terms on June 6, 2011. Under date of June 15, 2011, Complainant filed a motion to extend the ADR period for 45 days, alleging, Inter alia, that the parties have reached an agreement in principle to settle this proceeding, and that the requested extension would allow Respondent to review and comment on the draft CAFO provided to Respondent on June 2, 2011, and, after agreement on the final version of the CAFO had been reached, to allow Complainant to process Respondent's signed copy of the CAFO through its bureaucratic filing system for final signature and issuance.

Although Complainant correctly refers to the Agency policy of encouraging settlements, there was no indication prior to the expiration of the ADR period that the parties contemplated an extension of the ADR period. Moreover, the parties are free to continue negotiations to settle this matter, notwithstanding expiration of the ADR period. Accordingly, the motion to extend the ADR period is denied and this proceeding is returned to the chief judge for such disposition as she considers appropriate.

Dated this 1st day of July 2011

So Ordered.

  
\_\_\_\_\_  
Spencer T. Nissen  
Administrative Law Judge

In the ADR Matter of *Kama'aina Termite and Pest Control, Inc.*, Respondent.  
Docket No. FIFRA-09-2011-0011

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Denying Motion for Extension of Alternative Dispute Resolution Process and Returning Proceeding to Chief Judge**, dated this 1st day of July 2011, was sent in the following manner to the addressees listed below.

  
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**Dated: July 1, 2011**  
**Washington, D.C.**