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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )

Trust No. 98-123, Genghiskhan )  
Xiong, Hu Xiong, Chuhu Xiong, )  
and Maivtshiab Xiong, )

) Docket No. TSCA-05-2008-0010

) Judge Barbara A. Gunning

Respondents )  
\_\_\_\_\_ )

**JOINT MOTION OF PARTIES TO ENTER INTO ALTERNATIVE DISPUTE  
RESOLUTION**

Both Respondents and Complainant (the Parties) in this case hereby respectfully move the Court for leave to allow the Parties to enter into Alternative Dispute Resolution. In support thereof, the Parties state as follows:

1. The Alternative Dispute Resolution (ADR) notification letter from the Office of the Administrative Law Judges was sent to counsel for the Parties on June 10, 2008, and provided for notification of voluntary acceptance of ADR by June 24, 2008.
2. The Parties did not have an opportunity to confer with each other regarding voluntary participation in ADR until after Respondent's counsel letter dated July 7, 2008. Prior to that time, the Parties had been engaged in settlement discussions. Complainant had been waiting for and expected to receive financial inability to pay documentation from Respondent as part of the Parties' ongoing settlement discussions.

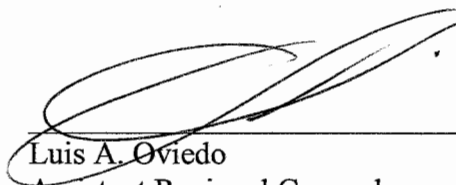
3. The pre-hearing order issued in this case directs the Parties to report on the status of settlement on or before August 13, 2008, and a report is due to the Court on the status of settlement on August 27, 2008.

4. At this particular time, both Parties believe that ADR may prove productive in resolving this dispute, and participation in ADR is not likely to delay or adversely affect proceedings in this matter. Conversely, the Respondents' limited English proficiency is likely to affect proceedings should this matter remain on litigation track.

**WHEREFORFE**, the Parties jointly request that this case be admitted to Alternative Dispute Resolution.

Respectfully submitted,

By:



Luis A. Oviedo  
Assistant Regional Counsel  
U.S. EPA Region 5  
Counsel for Complainant

And by:

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Dennis J. Kellogg  
Counsel for Respondents

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the foregoing **Notice of Motion and Motion**, dated July 23, 2008, to be delivered, postage prepaid, to each of the following persons and addresses, in the following manner:

Via FAX and Regular U.S. Mail

Mr. Dennis J. Kellogg  
Sheats & Kellogg  
105 West Madison St., Suite 1300  
Chicago, IL 60602

Via U.S. Pouch Mail and Fax

Judge Barbara A. Gunning  
Office of Administrative Law Judges  
United States Environmental Protection Agency  
Mail Code 1900L  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dated this 23<sup>rd</sup> day of July, 2008.

  
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Luis A. Oviedo  
Assistant Regional Counsel  
U.S. EPA Region 5