



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
BUG BAM PRODUCT, LLC,) DOCKET NO. FIFRA-09-2009-0013
FLASH SALES, INC.)
)
RESPONDENTS)

ORDER ON MOTION SEEKING INITIATION OF ALTERNATIVE DISPUTE
RESOLUTION PROCESS


The Original Complaint in this matter was filed on September 19, 2009, pursuant to Complainant's authority under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 1361(a). On October 21, 2009, the Chief Administrative Law Judge advised the original parties, Complainant and Bug Bam Product, LLC, ("Bug Bam"), of the availability of participating in an Alternative Dispute Resolution ("ADR") process to facilitate the settlement of adjudicative cases. In response to the inquiry, Respondent Bug Bam declined participation and Complainant gave no response.

By Order of the Chief Administrative Law Judge entered on November 5, 2009, the undersigned was designated as the Administrative Law Judge to preside over this matter. The parties have since filed several pleadings and supporting memoranda, with a Renewed Motion to Dismiss currently pending.

Complainant filed a Motion Seeking Initiation of Alternative Dispute Resolution Process ("Motion") on March 12, 2010, in which it states that Respondent Bug Bam joins in the Motion. In the Motion, Complainant notes that Flash Sales, Inc. ("Flash Sales") is a new respondent and "should be offered the opportunity to engage in ADR." Motion at 3. Although Flash Sales was not previously granted an opportunity to participate in ADR, I note that Flash Sales does not join in this Motion. Indeed, Flash Sales has not filed an Answer in this proceeding.

Accordingly, the Motion Seeking Initiation of Alternative Dispute Resolution Process is **DENIED**. It is emphasized to the

parties, however, that this Order should not dissuade the parties from engaging in settlement discussions.

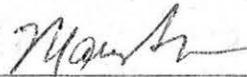

Barbara A. Gunning
Administrative Law Judge

Dated: March 12, 2010
Washington, DC

In the Matter of Bug Bam Product, LLC, Flash Sales, Inc., Respondents.
Docket No. FIFRA-09-2009-0013

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order On Motion Seeking Initiation of Alternative Dispute Resolution Process**, dated March 12, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

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Jacob Levy
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Dated: March 12, 2010
Washington, D.C.