



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
 )  
MR. ALLEN BARRY, ) DOCKET NO. CWA-05-2010-0008  
MR. TIM BARRY )  
d/b/a ALLEN BARRY LIVESTOCK, )  
 )  
RESPONDENTS )

ORDER DIRECTING SETTLEMENT CONFERENCE AND STATUS REPORT

In an Order issued by the undersigned on November 30, 2010, Respondents were directed to submit by December 23, 2010, a statement clarifying whether a hearing is requested in this matter. The Order also directed the parties to hold a settlement conference on or before January 21, 2011. Respondents did not respond to this Order, nor did they respond to Complainant's attempts to initiate a settlement conference. On January 31, 2011, the undersigned issued an Order to Show Cause, directing Respondents to show cause, if any, on or before February 18, 2011, why they failed to file a clarification statement and engage in a settlement conference with Complainant, and why a default order should not be entered against them.

On February 18, 2011, Respondents' Counsel submitted Defendants' Response to Order to Show Cause, in which Counsel apologizes for the delay and offers cause to show why a default order should not be entered against his clients. In addition, Counsel requests a "new expedited status/settlement conference schedule." However, Respondents' Counsel did not state whether Respondents request a hearing in this matter.

Through subsequent telephone conversations with the undersigned's staff attorney, Counsel for Respondents indicated that a hearing was requested. Counsel subsequently filed and served on all parties a written statement of such request. This statement is dated March 3, 2011.

Finding that Respondents have demonstrated some cause for the failure to submit a timely clarification statement, as directed by the January 31, 2011, Order to Show Cause, the



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ORDER DIRECTING SETTLEMENT CONFERENCE AND STATUS REPORT

In an Order issued by the undersigned on November 30, 2010, Respondents were directed to submit by December 23, 2010, a statement clarifying whether a hearing is requested in this matter. The Order also directed the parties to hold a settlement conference on or before January 21, 2011. Respondents did not respond to this Order, nor did they respond to Complainant's attempts to initiate a settlement conference. On January 31, 2011, the undersigned issued an Order to Show Cause, directing Respondents to show cause, if any, on or before February 18, 2011, why they failed to file a clarification statement and engage in a settlement conference with Complainant, and why a default order should not be entered against them.

On February 18, 2011, Respondents' Counsel submitted Defendants' Response to Order to Show Cause, in which Counsel apologizes for the delay and offers cause to show why a default order should not be entered against his clients. In addition, Counsel requests a "new expedited status/settlement conference schedule." However, Respondents' Counsel did not state whether Respondents request a hearing in this matter.

Through subsequent telephone conversations with the undersigned's staff attorney, Counsel for Respondents indicated that a hearing was requested. Counsel subsequently filed and served on all parties a written statement of such request. This statement is dated March 3, 2011.

Finding that Respondents have demonstrated some cause for the failure to submit a timely clarification statement, as directed by the January 31, 2011, Order to Show Cause, the

parties are hereby directed to hold a settlement conference in this matter on or before **March 18, 2011**, to attempt to reach an amicable resolution. See Section 22.4(c)(8) of the Rules of Practice, 40 C.F.R. § 22.4(c)(8). Complainant shall file a status report regarding such conference and the status of settlement on or before **March 25, 2011**.

The parties are reminded that a copy of all pleadings, statements, and documents (with any attachments) required or permitted to be filed by this Order (including a ratified Consent Agreement and Final Order) shall be sent to the undersigned and all other parties. See Section 22.5(a) of the Rules of Practice, 40 C.F.R. § 22.5(a).

The statements and information required by this Order to be sent to the undersigned, as well as any other further pleadings, shall be addressed as follows:

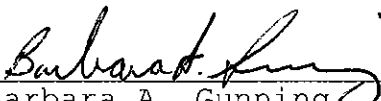
If sending by United States Postal Service (USPS):

EPA Office of Administrative Law Judges  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, D.C. 20460-2001

If sending by a non-USPS courier, such as UPS or Federal Express:

EPA Office of Administrative Law Judges  
1099 14th Street, NW  
Suite 350, Franklin Court  
Washington, D.C. 20005

Telephone contact may be made with my legal staff assistant, Mary Angeles, at (202) 564-6281. The facsimile number is (202) 565-0044.


  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge

Dated: March 4, 2011  
Washington, D.C.

In the ADR Matter of *Mr. Allen Barry, Mr. Tim Barry d/b/a Allen Barry Livestock*, Respondents  
Docket No. CWA-05-2010-0008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Directing Settlement Conference And Status Report**, dated March 4, 2011, was sent in the following manner to the addressees listed below.

  
Mary Angeles  
Legal Staff Assistant

Original And One Copy By Pouch Mail Tto:

La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

Copy By Pouch Mail And Facsimile To:

Luis Oviedo, Esquire  
Associate Regional Counsel  
U.S. EPA / Region 5  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604-3590  
Fx: 312-886-7160

Copy By Regular Mail And Facsimile To:

James E. Meason, Esquire  
Attorney at Law  
113 W. Main Street  
Rockton, IL 61072-2416  
Fx: 815-624-5905

**Dated: March 4, 2011**  
**Washington, D.C.**