

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

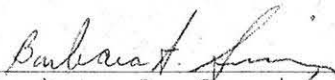
BEFORE THE ADMINISTRATOR

In the Matter of )  
)  
ANDREW AND YVETTE HUDYMA and ) DOCKET NO. CWA-03-2009-0292  
MOUNTAIRE FARMS OF DELAWARE, )  
INC., )  
)  
Respondents )

ORDER RETURNING CASE TO CHIEF ADMINISTRATIVE LAW JUDGE

As you previously have been notified, I was designated by the January 6, 2010 Order of the Chief Administrative Law Judge to preside in the above-captioned litigation matter. A Prehearing Order, entered by the undersigned on January 12, 2010, directed the parties to prepare for hearing. On January 25 and 28, 2010 the parties requested to enter into Alternative Dispute Resolution ("ADR").<sup>1</sup> The parties' pending requests for ADR reflect that ADR may prove productive and promote judicial economy. Respondent Andrew and Yvette Hudyma states that "ADR may be beneficial and indeed may lead to a settlement of this case."

The parties' requests for ADR are GRANTED and the matter is returned to the Chief Administrative Law Judge for designation of a neutral in the ADR process. If the matter is not fully resolved by the execution and filing of a Consent Agreement and Final Order, the case should be returned to me for continuation of the litigation process.

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

Dated: January 28, 2010  
Washington, DC

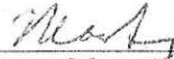
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<sup>1</sup>The ADR notification letter from this office was sent to all parties on December 4, 2009 and provided for notification of voluntary acceptance by December 18, 2009. Complainant and Respondent Mountaire Farms of Delaware, Inc. agreed to participate in ADR by that date. However, Respondent Andrew and Yvette Hudyma did not respond and was deemed to have declined its participation in ADR.

**In the Matter of *Andrew and Yvette Hudyma and Mountaire Farms of Delaware, Inc.*,  
Respondents.  
Docket No. CWA-03-2009-0292**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Returning Case to Chief Administrative Law Judge**, dated January 28, 2010, was sent this day in the following manner to the addressees listed below.



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Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Lydia Guy  
Regional Hearing Clerk  
U.S. EPA / Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Copy by Pouch Mail to:

Pam J. Lazos, Esq.  
Assistance Regional Counsel (3RC20)  
U.S. EPA / Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Copy by Regular Mail to:

Anthony P. Ashton, Esq.  
Gina M. Zawitoski, Esq.  
DLA Piper, LLP (US)  
6225 Smith Avenue  
Baltimore, MD 21209-3600

Raymond S. Smethurst, Jr., Esq.  
Matthew T. Mills, Esq.  
Adkins, Potts & Smethurst, LLP  
P.O. Box 4247  
Salisbury, MD 21801

Dated: January 28, 2010  
Washington, D.C.