



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
)  
FIRESTONE PACIFIC FOODS, INC., ) Docket No. EPCRA-10-2007-0204  
)  
Respondent )

**ORDER SCHEDULING HEARING**

A review of the file reflects that the prehearing exchange process in this case has been completed and all pending motions have been ruled upon. Therefore, the case is ripe for scheduling for hearing.

Agency policy strongly supports settlement. Therefore, the parties are directed to hold a settlement conference on or before **February 19, 2008** and attempt to reach an amicable resolution of this matter. The Complainant shall file a status report regarding such conference and the status of settlement on or before **February 22, 2008**.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. In connection therewith, on or before **March 12, 2008**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate, as much as possible, to matters which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters which can only be resolved after a hearing.

All pre-hearing motions, such as motions to amend and motions in limine, must be filed on or before **March 19, 2008**.

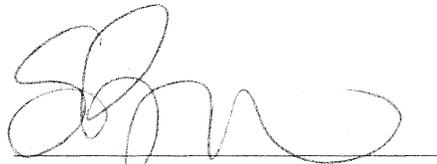
The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is Friday, **May 2, 2008**. A copy of the briefs should be faxed and/or hand-delivered to the undersigned by that date. The Complainant's brief should specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. The Respondent's brief should identify each of the defenses the Respondent intends to pursue at the hearing.

The Hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, May 13, 2008 in Vancouver, Washington, continuing if necessary, on May 14-16, 2008. The Regional Hearing Clerk will make appropriate arrangements for a Courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

**THE RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT.**

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.



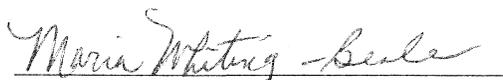
Susan L. Biro  
Chief Administrative Law Judge

Dated: February 4, 2008  
Washington, D.C.

In the Matter of Firestone Pacific Foods, Inc., Respondent  
Docket No. EPCRA-10-2007-0204

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Scheduling Hearing**, dated February 4, 2008, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale  
Legal Staff Assistant

Dated: February 5, 2008

Original And One Copy By Pouch Mail To:

Carol D. Kennedy  
Regional Hearing Clerk  
U.S. EPA  
1200 Sixth Avenue  
Seattle, WA 98101

Copy By Pouch Mail To:

Robert Hartman, Esquire  
Assistant Regional Counsel  
U.S. EPA  
1200 Sixth Avenue, ORC-158  
Seattle, WA 98101

Copy By Regular Mail To:

Ben Shafton, Esquire  
Caron, Colven, Robinson & Shafton, P.S.  
900 Washington Street, Suite 1000  
Vancouver, WA 98660