

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)
)
47th Street Townhomes, LLC,) Docket No. CWA-08-2009-0021
Jordahl Custom Homes, Inc., and)
Master Construction Co., Inc.,)
)
Respondents)

ORDER INITIATING ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND APPOINTING NEUTRAL

Pursuant to the request of the parties, Judge Spencer T. Nissen, is hereby designated as a neutral to initiate and conduct such processes as may facilitate a settlement of this proceeding.

The following procedures shall apply:

1. The Alternative Dispute Resolution (ADR) process will be conducted in a confidential manner. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.
2. For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to someone with such authority.
3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **August 2, 2010**. An extension of up to 60 days may be granted by the undersigned upon request of the ADR neutral, but in no event shall ADR continue for longer than 4 months. At that time, if no settlement has been reached, the case will be remanded to the litigation Judge to proceed with the litigation process in an expedited manner.
4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge. The dispute resolution process initiated by this Order shall terminate upon order of the Chief Administrative Law Judge.

5. At the termination of the ADR process, the parties will be sent a questionnaire to elicit their views and the experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.



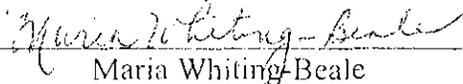
Susan L. Biro
Chief Administrative Law Judge

Dated: June 1, 2010
Washington, DC

In the Matter of 47th Street Townhomes, LLC, Jordahl Custom Homes, Inc., and Master Construction Co., Inc., Respondents
Docket No. CWA-08-2009-0021

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Initiating Alternative Dispute Resolution Process And Appointing Neutral**, dated June 1, 2010, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: June 1, 2010

Original And One Copy By Pouch To:

Tina Artemis
Regional Hearing Clerk
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy By Pouch Mail To:

Margaret "Peggy" Livingston, Esquire
Enforcement Counsel (8ENF-1.)
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy By Regular Mail To:

James R. Bullis, Esquire
Kyle G. Pender, Esquire
Montgomery, Goff & Bullis, P.C.
P.O. Box 9199
Fargo, ND 58106-9199



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
AGRIMOR INT'L CO.,) **Docket No. FIFRA-04-2010-3002**
)
Respondent.)

ORDER ON JOINT MOTION TO STAY RULING AND FOR ADR REFERRAL

This case was initiated by an Administrative Complaint filed on October 22, 2009. By letter dated February 17, 2010, the parties were offered an opportunity to participate in this Tribunal's Alternative Dispute Resolution (ADR) process. Upon receiving the consent of both parties thereto the case was thereafter referred to ADR, with Judge William Moran serving as the neutral, for a period of 60 days, that is until May 4, 2010.

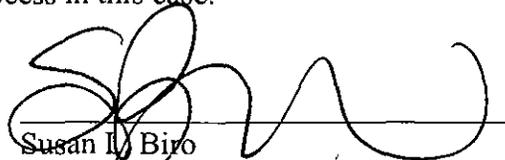
In the interim, on February 26, 2010, Complainant filed a Motion for Leave to File a Second Amended Complaint, to which Respondent filed an Opposition on or about March 16, 2010, and Complainant filed a Reply on or about March 22, 2010.

Upon Judge Moran's resignation, on May 12, 2010, Judge Spencer Nissen was assigned to act as the neutral in the ADR process. Promptly thereafter Judge Nissen terminated the ADR process on the basis of the pending contested Motion which could not be ruled upon in the ADR process.

On May 26, 2010, the parties filed a Joint Motion requesting that ruling on the pending Motion to Amend the Complaint be stayed and that the case be referred back to ADR for a three week period.

For good cause shown, the parties' Joint Motion is **GRANTED**. **Judge Spencer Nissen**, is hereby reappointed as the neutral to initiate and conduct such ADR processes as may facilitate a settlement of this proceeding in accordance with the Order Initiating ADR Process issued on March 3, 2010. Unless terminated earlier at the request of either party, the ADR process in this case shall automatically terminate on **June 18, 2010**. An extension of up to 60 days may be granted by the undersigned upon request of the ADR neutral. At that time, if no settlement has been reached, the case will be remanded to the litigation Judge to proceed with the litigation process in an expedited manner.

Further, ruling on the Complainant's pending Motion to Amend Complaint is hereby **STAYED** until termination of the ADR process in this case.



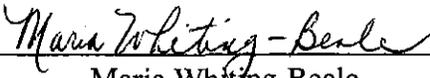
Susan L. Biro
Chief Administrative Law Judge

Dated: May 27, 2010
Washington, DC

In the Matter of Agrimor Int'l Co., Respondent
Docket No. FIFRA-04-2010-3002

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Joint Motion To Stay Ruling And For ADR Referral**, dated May 27, 2010, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: May 27, 2010

Original And One Copy By Pouch Mail To:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA
Sam Nunn Federal Building, 13th Floor
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Copy By Pouch Mail To:

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