



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

In the Matter of:)
)
Everyday Group, LLC,) **Docket No. FIFRA-02-2012-5201**
)
Respondent.)

ORDER ON JOINT MOTION TO VACATE HEARING ORDER

The United States Environmental Protection Agency (“EPA”), Region 2 (“Complainant”), initiated this proceeding on October 11, 2012, by filing a Complaint and Notice of Opportunity for Hearing against Everyday Group, LLC (“Respondent”), pursuant to Section 14(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(1). The Complaint alleges that Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), and the implementing regulations set forth at 40 C.F.R. § 152.15, by engaging in the distribution or sale of three unregistered pesticides. Through counsel, Respondent filed an Answer on November 9, 2012. Pursuant to a Prehearing Order dated January 4, 2013, the parties subsequently engaged in a prehearing exchange of information. Thereafter, by Order dated May 17, 2013, the undersigned scheduled the hearing in this matter to commence on September 23, 2013.

On September 12, 2013, the parties submitted a Joint Motion to Vacate Hearing Order (“Joint Motion”). The parties request therein that the undersigned vacate the part of the May 17, 2013 Order scheduling the hearing or, alternatively, stay the hearing until October 14, 2013. As grounds for this request, the parties relate that they have settled this matter and drafted a consent agreement, that counsel for Respondent orally informed Complainant’s counsel that this document is acceptable to Respondent, and that the document is being circulated for concurrence by Complainant, a process that is expected to be completed shortly. The parties also attached to their Joint Motion a copy of the signature page of the consent agreement, which bears the signature of Respondent’s Chief Executive Officer.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1–22.45 (“Rules of Practice”). Section 22.21(c) of the Rules of Practice provides that “[n]o request for postponement of a hearing shall be granted except upon motion and for good cause shown.”

For good cause shown, the Joint Motion is **GRANTED**, in part, and the hearing scheduled to commence in this matter on September 23, 2013, is hereby **POSTPONED**. The

parties are directed to file with the Headquarters Hearing Clerk and serve on the undersigned a fully-executed Consent Agreement and Final Order no later than **October 14, 2013**. Should the parties fail to meet this deadline, the hearing in this matter will promptly be rescheduled.

SO ORDERED.

Susan L. Biro
Chief Administrative Law Judge

Dated: September 13, 2013
Washington, D.C.