

- 1 4. On September 23, 2016, Mr. Mark Pollot filed a Notice of Appearance in this matter
2 as counsel for Respondent.
- 3 5. On September 23, 2016, counsel for the parties held an initial telephonic conference
4 in which they agreed to engage in a substantive settlement conference. On the same
5 day, Complainant filed a status report and motion for extension of prehearing
6 deadlines.
- 7 6. On October 25, 2016, the parties agreed to engage in ADR in order to facilitate
8 settlement. Judge Buschmann was thereafter assigned to oversee ADR.
- 9 7. On February 17, 2017, Judge Buschmann recommended termination of ADR
10 following a party's election to withdraw from ADR.
- 11 8. On February 24, 2017, the newly assigned Presiding Officer in this case, Judge
12 Coughlin, issued a Second Prehearing Order requiring a Status Report regarding a
13 settlement conference between the parties and the status of settlement. The Second
14 Prehearing Order additionally required a statement filed by each party identifying its
15 preference for the location of the hearing before the Presiding Officer.

16 **Update on Status of Settlement and Request for Extension of Time**

- 17 9. On March 14, 2017, counsel for Respondent contacted counsel for Complainant to
18 inform him of a recent and unforeseen health-related issue preventing the parties from
19 holding a settlement conference prior to the submission of this Status Report. On
20 March 15, 2017, via email, counsel for Respondent and counsel for Complainant
21 agreed to hold a settlement conference as early as possible and to request additional
22 time from the Presiding Officer to hold such settlement conference.

1 10. Due to the circumstance described in paragraph 9 of this Status Report and Request
2 for Extension of Time, and pursuant to 40 C.F.R. § 22.7(b), Complainant respectfully
3 requests that the Presiding Officer grant an extension of time allowing the parties to
4 hold a settlement conference on or before March 24, 2017. If granted, Complainant
5 would file a second Status Report on or before March 29, 2017.

6 Dated this 17 day of March, 2017.

7 Respectfully submitted,

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9 /s/ Endre M. Szalay

10 ENDRE M. SZALAY
11 Assistant Regional Counsel
12 U.S. EPA, Region 10
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